

Senate File 2317 - Enrolled

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SENATE FILE 2317

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO
REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE
REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE,
RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING
PROVISIONS, OR REMOVE AMBIGUITIES, AND INCLUDING EFFECTIVE
AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MISCELLANEOUS PROVISIONS

Section 1. Section 1C.2, Code 2007, is amended to read as
follows:

1C.2 PAID HOLIDAYS.

~~1. State employees are granted, except as provided in the~~
~~fourth paragraph of this section subsection 3, the following~~
holidays off from employment with pay:

- ~~1. a. New Year's Day, January 1.~~
- ~~2. b. Martin Luther King, Jr.'s Birthday, the third~~
Monday in January.
- ~~3. c. Memorial Day, the last Monday in May.~~
- ~~4. d. Independence Day, July 4.~~
- ~~5. e. Labor Day, the first Monday in September.~~
- ~~6. f. Veterans Day, November 11.~~
- ~~7. g. Thanksgiving Day, the fourth Thursday in November.~~
- ~~8. h. Friday after Thanksgiving, the Friday following~~
Thanksgiving Day.
- ~~9. i. Christmas Day, December 25.~~
- ~~10. Two days of paid leave each year to be added to the~~
~~vacation allowance and accrued under the provisions of section~~
~~70A.1.~~

2. a. State employees are granted two days of paid leave
each year to be added to the vacation allowance and accrued
under the provisions of section 70A.1. The In addition, an

appointing authority shall grant not more than four additional
days of paid leave each year as required to implement contract
provisions negotiated pursuant to chapter 20.

b. The executive council may designate days off from
employment with pay in addition to those enumerated in this
section for state employees at its discretion.

3. If a holiday enumerated in this section falls on
Saturday, the preceding Friday shall be granted and if a
holiday enumerated in this section falls on Sunday, the
following Monday shall be granted. In those cases, where by
nature of the employment a state employee must be required to
work on a holiday the provisions of the first paragraph of

~~this section subsection 1 shall not apply, however,~~
compensation shall be made on the basis of the employee's
straight time hourly rate for a forty-hour workweek and shall
be made in either compensatory time off or cash payment, at
the discretion of the appointing authority unless otherwise
provided for in a collective bargaining agreement.

Notwithstanding any other provision of this section, an
employee of the state who does not accrue sick leave or
vacation, and who works on a holiday, shall receive regular
pay for the hours worked on that holiday and shall not
otherwise earn holiday compensatory pay.

4. A holiday or paid leave granted to a state employee
under this section shall be in addition to vacation time to
which a state employee is entitled under section 70A.1.

Sec. 2. Section 2.40, subsection 1, Code 2007, is amended
to read as follows:

1. a. A member of the general assembly may elect to
become a member of a state group insurance plan for employees
of the state established under chapter 509A subject to the
following conditions:

a. (1) The member shall be eligible for all state group
insurance plans on the basis of enrollment rules established
for full-time state employees excluded from collective
bargaining as provided in chapter 20.

3 4 b. (2) The member shall pay the premium for the plan
3 5 selected on the same basis as a full-time state employee
3 6 excluded from collective bargaining as provided in chapter 20.
3 7 c. (3) The member shall authorize a payroll deduction of
3 8 the premium due according to the member's pay plan selected
3 9 pursuant to section 2.10, subsection 4.
3 10 d. (4) The premium rate shall be the same as the premium
3 11 rate paid by a state employee for the plan selected.
3 12 ~~b. A member of the general assembly may elect to become a~~
3 13 ~~member of a state group insurance plan. A member of the~~
3 14 ~~general assembly may continue membership in a state group~~
3 15 ~~insurance plan without reapplication during the member's~~
3 16 ~~tenure as a member of consecutive general assemblies. For the~~
3 17 ~~purpose of electing to become a member of the state health or~~
3 18 ~~medical service group insurance plan, a member of the general~~
3 19 ~~assembly has the status of a "new hire", full-time state~~
3 20 ~~employee following each election of that member in a general~~
3 21 ~~or special election, or during the first subsequent annual~~
3 22 ~~open enrollment.~~
3 23 c. In lieu of membership in a state health or medical
3 24 group insurance plan, a member of the general assembly may
3 25 elect to receive reimbursement for the costs paid by the
3 26 member for a continuation of a group coverage (COBRA) health
3 27 or medical insurance plan. The member shall apply for
3 28 reimbursement by submitting evidence of payment for a COBRA
3 29 health or medical insurance plan. The maximum reimbursement
3 30 shall be no greater than the state's contribution for health
3 31 or medical insurance family plan II.
3 32 d. A member of the general assembly who elects to become a
3 33 member of a state health or medical group insurance plan shall
3 34 be exempted from preexisting medical condition waiting
3 35 periods. A member of the general assembly may change programs
4 1 or coverage under the state health or medical service group
4 2 insurance plan during the month of January of odd-numbered
4 3 years, but program and coverage change selections shall be
4 4 subject to the enrollment rules established for full-time
4 5 state employees excluded from collective bargaining as
4 6 provided in chapter 20.
4 7 e. A person who has been a member of the general assembly
4 8 for two years and who has elected to be a member of a state
4 9 health or medical group insurance plan may continue to be a
4 10 member of such state health or medical group insurance plan by
4 11 requesting continuation in writing to the finance officer
4 12 within thirty-one days after leaving office. The continuing
4 13 former member of the general assembly shall pay the total
4 14 premium for the state plan and shall have the same rights to
4 15 change programs or coverage as state employees. This
4 16 ~~paragraph shall not be construed to permit a former member to~~
4 17 ~~become a member of a state health or medical group insurance~~
4 18 ~~plan providing programs or coverage of a type that the former~~
4 19 ~~member did not elect to continue pursuant to this paragraph.~~
4 20 f. In the event of the death of a former member of the
4 21 general assembly who has elected to continue to be a member of
4 22 a state health or medical group insurance plan, the surviving
4 23 spouse of the former member whose insurance would otherwise
4 24 terminate because of the death of the former member may elect
4 25 to continue to be a member of such state health or medical
4 26 group insurance plan by requesting continuation in writing to
4 27 the finance officer within thirty-one days after the death of
4 28 the former member. The surviving spouse of the former member
4 29 shall pay the total premium for the state plan and shall have
4 30 the same rights to change programs or coverage as state
4 31 employees. For purposes of this paragraph, health or medical
4 32 programs or coverage and dental programs or coverage are to be
4 33 treated separately and the rights to change programs or
4 34 coverage apply only to the type of programs or coverage that
4 35 the continuing former member has elected to continue. This
5 1 ~~paragraph shall not be construed to permit a former member to~~
5 2 ~~become a member of a state health or medical group insurance~~
5 3 ~~plan providing programs or coverage of a type that the former~~
5 4 ~~member did not elect to continue pursuant to this paragraph.~~
5 5 Sec. 3. Section 2C.16, Code 2007, is amended to read as
5 6 follows:
5 7 2C.16 RECOMMENDATIONS TO AGENCY.
5 8 1. ~~If, The citizens' aide shall state recommendations to~~
5 9 ~~an agency, if, after~~ having considered a complaint and
5 10 whatever material the citizens' aide deems pertinent, the
5 11 citizens' aide finds substantiating facts ~~that for any of the~~
5 12 ~~following:~~
5 13 ~~i. a.~~ A matter should be further considered by the
5 14 agency+.

5 15 2- b. An administrative action should be modified or
5 16 canceled+.
5 17 3- c. A rule on which an administrative action is based
5 18 should be altered+.
5 19 4- d. Reasons should be given for an administrative
5 20 action+ or.
5 21 5- e. Any other action should be taken by the agency, ~~the~~
5 22 ~~citizens' aide shall state the recommendations to the agency.~~
5 23 2. If the citizens' aide requests, the agency shall,
5 24 within twenty working days notify the citizens' aide of any
5 25 action taken on the recommendations or the reasons for not
5 26 complying with them.
5 27 3. If the citizens' aide believes that an administrative
5 28 action has occurred because of laws of which results are
5 29 unfair or otherwise objectionable, the citizens' aide shall
5 30 notify the general assembly concerning desirable statutory
5 31 change.
5 32 Sec. 4. Section 3.1, Code 2007, is amended to read as
5 33 follows:
5 34 3.1 FORM OF BILLS.
5 35 1. Bills designed to amend, revise, enact, codify, or
6 1 repeal a law:
6 2 1- a. Shall refer to the numbers of the sections or
6 3 chapters of the Code or Code Supplement to be amended or
6 4 repealed, but it is not necessary to refer to the sections or
6 5 chapters in the title.
6 6 2- b. Shall refer to the session of the general assembly
6 7 and the sections and chapters of the Acts to be amended if the
6 8 bill relates to a section or sections of an Act not appearing
6 9 in the Code or codified in a supplement to the Code.
6 10 3- c. ~~All shall express all~~ references to statutes ~~shall~~
6 11 ~~be expressed in numerals.~~
6 12 4- 2. The title to a bill shall contain a brief statement
6 13 of the purpose of the bill, however all detail matters
6 14 properly connected with the subject so expressed may be
6 15 omitted from the title.
6 16 Sec. 5. Section 3.3, Code Supplement 2007, is amended to
6 17 read as follows:
6 18 3.3 HEADNOTES AND HISTORICAL REFERENCES.
6 19 Proper headnotes may be placed at the beginning of a
6 20 section of a bill or a Code section, and at the end of a Code
6 21 section there may be placed a reference to the section number
6 22 of the Code, or any Iowa Act from which the matter of the Code
6 23 section was taken. However, except as provided for the
6 24 uniform commercial code+ pursuant to section 554.1107,
6 25 headnotes shall not be considered as part of the law as
6 26 enacted. Historical references shall not be considered as a
6 27 part of the law as enacted.
6 28 Sec. 6. Section 4.13, Code 2007, is amended to read as
6 29 follows:
6 30 4.13 GENERAL SAVINGS PROVISION.
6 31 1. The ~~re-enactment~~ reenactment, revision, amendment, or
6 32 repeal of a statute does not affect any of the following:
6 33 1- a. The prior operation of the statute or any prior
6 34 action taken ~~thereunder~~ under the statute.
6 35 2- b. Any validation, cure, right, privilege, obligation,
7 1 or liability previously acquired, accrued, accorded, or
7 2 incurred ~~thereunder~~ under the statute.
7 3 3- c. Any violation ~~thereof~~ of the statute or penalty,
7 4 forfeiture, or punishment incurred in respect ~~thereto~~ to the
7 5 statute, prior to the amendment or repeal+ or.
7 6 4- d. Any investigation, proceeding, or remedy in respect
7 7 of any privilege, obligation, liability, penalty, forfeiture,
7 8 or punishment; and the investigation, proceeding, or remedy
7 9 may be instituted, continued, or enforced, and the penalty,
7 10 forfeiture, or punishment imposed, as if the statute had not
7 11 been repealed or amended.
7 12 2. If the penalty, forfeiture, or punishment for any
7 13 offense is reduced by a ~~re-enactment~~ reenactment, revision, or
7 14 amendment of a statute, the penalty, forfeiture, or punishment
7 15 if not already imposed shall be imposed according to the
7 16 statute as amended.
7 17 Sec. 7. Section 7E.5, subsection 1, paragraph s, Code
7 18 2007, is amended to read as follows:
7 19 s. The department of human rights, created in section
7 20 216A.1, which has primary responsibility for services relating
7 21 to Latino persons, women, persons with disabilities, community
7 22 action agencies, criminal and juvenile justice planning, the
7 23 status of African-Americans, ~~and~~ deaf and hard-of-hearing
7 24 persons, and status of Iowans of Asian and Pacific Islander
7 25 heritage.

7 26 Sec. 8. Section 8A.101, subsection 1, unnumbered paragraph
7 27 1, Code Supplement 2007, is amended to read as follows:
7 28 "Agency" or "state agency" means a unit of state
7 29 government, which is an authority, board, commission,
7 30 committee, council, department, ~~examining or licensing board,~~
7 31 or independent agency as defined in section 7E.4, including
7 32 but not limited to each principal central department
7 33 enumerated in section 7E.5. However, "agency" or "state
7 34 agency" does not mean any of the following:
7 35 Sec. 9. Section 8F.2, subsection 1, Code Supplement 2007,
8 1 is amended to read as follows:
8 2 1. "Agency" means a unit of state government, which is an
8 3 authority, board, commission, committee, council, department,
8 4 ~~examining or licensing board,~~ or independent agency as defined
8 5 in section 7E.4, including but not limited to each principal
8 6 central department enumerated in section 7E.5. However,
8 7 "agency" does not mean the Iowa public employees' retirement
8 8 system created under chapter 97B, the public broadcasting
8 9 division of the department of education created under section
8 10 256.81, the statewide fire and police retirement system
8 11 created under chapter 411, or an agricultural commodity
8 12 promotion board subject to a producer referendum.
8 13 Sec. 10. Section 9D.2, Code 2007, is amended to read as
8 14 follows:
8 15 9D.2 REGISTRATION REQUIRED.
8 16 1. a. A travel agency doing business in this state shall
8 17 register with the secretary of state as a travel agency if it
8 18 or its travel agent conducts the solicitation of an Iowa
8 19 resident.
8 20 b. A travel agency required to register under paragraph
8 21 "a" shall not permit a travel agent employed by the travel
8 22 agency to do business in this state unless the agency ~~has~~
8 23 ~~filed the required registration statement is registered with~~
8 24 ~~the secretary of state.~~
8 25 2. A travel agent shall not knowingly do business in this
8 26 state unless and until the travel agency employing the travel
8 27 agent ~~has~~ is registered with the secretary of state as a
8 28 travel agency if the travel agency or any of the agency's
8 29 travel agents conduct the solicitation of an Iowa resident.
8 30 3. This section does not require registration for, or
8 31 prohibit, solicitation by mail or telecommunications of a
8 32 person with whom the travel agency has a previous travel
8 33 services provider=customer relationship, having previously
8 34 arranged travel related services for that customer on at least
8 35 one prior occasion.
9 1 4. "Doing business" in this state, for purposes of this
9 2 chapter, means any of the following:
9 3 a. Offering to sell or selling travel services, if the
9 4 offer is made or received within the state.
9 5 b. Offering to arrange, or arranging, travel services for
9 6 a fee or commission, direct or indirect, if the offer is made
9 7 or received in this state.
9 8 c. Offering to, or awarding travel services as a prize or
9 9 award, if the offer or award is made in or received in this
9 10 state.
9 11 5. An applicant shall complete ~~the~~ an application for
9 12 registration statement form provided by the secretary. The
9 13 ~~registration statement application form~~ must be accompanied by
9 14 the required bond or evidence of financial responsibility and
9 15 the registration fee. The ~~registration statement application~~
9 16 ~~form~~ shall include all of the following information:
9 17 a. The name and signature of an officer or partner of a
9 18 business entity or the names and signatures of the principal
9 19 owner and operator if the agency is a sole proprietorship.
9 20 b. The name, address, and telephone number of the
9 21 applicant and the name of all travel agents employed by the
9 22 applicant travel agency.
9 23 c. The name, address, and telephone number of any person
9 24 who owns or controls, directly or indirectly, ten percent or
9 25 more of the applicant.
9 26 d. If the applicant is a foreign corporation or business,
9 27 the name and address of the corporation's agent in this state
9 28 for service of process.
9 29 e. Any additional information required by rule adopted by
9 30 the secretary pursuant to chapter 17A.
9 31 6. The application form shall be accompanied by a written
9 32 irrevocable consent to service of process. The consent must
9 33 provide that actions in connection with doing business in this
9 34 state may be commenced against the registrant in the proper
9 35 jurisdiction in this state in which the cause of action may
10 1 arise, or in which the plaintiff may reside, by service of

10 2 process on the secretary as the registrant's agent and
10 3 stipulating and agreeing that such service of process shall be
10 4 taken and held in all courts to be as valid and binding as if
10 5 service of process had been made upon the person according to
10 6 the laws of this or any other state. The consent to service
10 7 of process shall be in such form and supported by such
10 8 additional information as the secretary may by rule require.
10 9 7. An annual registration fee as established by the
10 10 secretary by rule is required at the time the application for
10 11 registration ~~statement form~~ is filed with the secretary, and
10 12 on or before the anniversary date of the effective date of
10 13 registration for each subsequent year. The registration fee
10 14 shall be established at a rate deemed reasonably necessary by
10 15 the secretary to support the administration of this chapter,
10 16 but not to exceed fifteen dollars per year per agency. If an
10 17 applicant or a registrant fails to pay the annual registration

10 18 fee, the application for registration or registration lapses
10 19 and becomes ineffective.

10 20 8. A registrant shall submit to the secretary corrections
10 21 to the information supplied in the registration ~~statement form~~
10 22 within a reasonable time after a change in circumstances,
10 23 which circumstances would be required to be reported in an
10 24 initial application for registration statement form, except
10 25 travel agents' names as required in subsection 5, paragraph
10 26 "b". The names of travel agents shall be updated at the time
10 27 of annual registration.

10 28 9. The secretary may revoke or suspend a registration for
10 29 cause subject to the contested case provisions of chapter 17A.

10 30 Sec. 11. Section 9D.3, Code 2007, is amended to read as
10 31 follows:

10 32 9D.3 EVIDENCE OF FINANCIAL SECURITY.

10 33 1. An application for registration of a travel agency must
10 34 be accompanied by a surety or cash performance bond in
10 35 conformity with rules adopted by the secretary in the
11 1 principal amount of ten thousand dollars, with an aggregate
11 2 limit of ten thousand dollars. The bond shall be executed by
11 3 a surety company authorized to do business in this state, and
11 4 the bond shall be continuous in nature until canceled by the
11 5 surety with not less than sixty days' written notice to both
11 6 the ~~registrant travel agency~~ and to the secretary. The notice
11 7 shall indicate the surety's intent to cancel the bond on a
11 8 date at least sixty days after the date of the notice.

11 9 2. a. The bond shall be payable to the state for the use
11 10 and benefit of either:

11 11 ~~a.~~ (1) A person who is injured by the fraud,
11 12 misrepresentation, or financial failure of the travel agency
11 13 or a travel agent employed by the travel agency.

11 14 ~~b.~~ (2) The state on behalf of a person or persons under
11 15 paragraph "a".

11 16 b. The bond shall be conditioned such that the registrant
11 17 will pay any judgment recovered by a person in a court of this
11 18 state in a suit for actual damages, including reasonable
11 19 attorney's fees, or for rescission, resulting from a cause of
11 20 action involving the sale or offer of sale of travel services.
11 21 The bond shall be open to successive claims, but the aggregate
11 22 amount of the claims paid shall not exceed the principal
11 23 amount of the bond.

11 24 3. If ~~a~~ an applicant or registrant has contracted with the
11 25 airlines reporting corporation or the passenger network
11 26 services corporation, or similar organizations approved by the
11 27 secretary of state with equivalent bonding requirements for
11 28 participation, in lieu of the bond required by subsection 1,
11 29 the applicant or registrant may file with the secretary a
11 30 certified copy of the official approval and appointment of the
11 31 applicant or registrant from the airlines reporting
11 32 corporation or the passenger network services corporation.

11 33 4. In lieu of any bond or guarantee required to be
11 34 provided by this section, ~~a~~ an applicant or registrant may do
11 35 any of the following:

12 1 a. File with secretary proof of professional liability and
12 2 errors and omissions insurance in an amount of at least one
12 3 million dollars annually.

12 4 b. Deposit with the secretary cash, securities, or a
12 5 statement from a federally insured financial institution
12 6 guaranteeing the performance of the applicant or registrant up
12 7 to a maximum of ten thousand dollars to be held or applied to
12 8 the purposes to which the proceeds of the bond would otherwise
12 9 be applied.

12 10 Sec. 12. Section 13A.3, Code 2007, is amended to read as
12 11 follows:

12 12 13A.3 MEMBERSHIP AND TERMS.

12 13 1. The council shall consist of five members as follows:
12 14 ~~1- a.~~ The attorney general or the attorney general's
12 15 designated representative.
12 16 ~~2- b.~~ The president of the Iowa county attorneys
12 17 association or its successor.
12 18 ~~3- c.~~ Three members elected by the Iowa county attorneys
12 19 association or its successor.
12 20 2. A member shall vacate an appointment upon termination
12 21 of the member's official position as a prosecuting attorney or
12 22 an attorney general. A vacancy shall be filled in the same
12 23 manner as the original appointment. A member appointed to
12 24 fill a vacancy created other than by expiration of a term on
12 25 the council shall be appointed for the unexpired term of the
12 26 member whom the new member is to succeed in the same manner as
12 27 the original appointment. Any member may be reappointed for
12 28 an additional term.
12 29 3. The terms of the elected members shall be three years
12 30 and shall ~~begin January 1, 1976, but initial terms shall be~~
12 31 ~~staggered so that the elected members shall serve terms of~~
~~12 32 one, two, and three years respectively one member is elected~~
~~12 33 each year.~~

12 34 Sec. 13. Section 15.421, subsections 2 and 3, Code
12 35 Supplement 2007, are amended to read as follows:
13 1 2. a. The commission shall ~~consist of~~ include fifteen
13 2 voting members appointed by the governor, subject to
13 3 confirmation by the senate. At the time of appointment or
13 4 reappointment, a voting member shall be at least eighteen
13 5 years of age, but less than thirty-five years of age. The
13 6 voting membership shall reflect diversity within all of the
13 7 following areas:
13 8 (1) Geographic location within the state.
13 9 (2) Public, private, and nonprofit sector employment.
13 10 (3) Location of secondary and higher education within and
13 11 outside Iowa.
13 12 (4) Urban and rural residents.
13 13 (5) Multicultural diversity.
13 14 b. Four members of the general assembly shall serve as
13 15 nonvoting, ex officio members of the commission with two from
13 16 the senate and two from the house of representatives and not
13 17 more than one member from each chamber being from the same
13 18 political party. The two senators shall be designated by the
13 19 president of the senate after consultation with the majority
13 20 and minority leaders of the senate. The two representatives
13 21 shall be designated by the speaker of the house of
13 22 representatives after consultation with the majority and
13 23 minority leaders of the house of representatives.
13 24 3. The voting members shall be appointed in compliance
13 25 with the requirements of sections 69.16, 69.16A, and 69.19,
13 26 and shall serve staggered, three-year terms as designated by
13 27 the governor. ~~Members~~ Voting members may be reappointed by
13 28 the governor provided the requirements of subsection 2 are
13 29 met.

13 30 Sec. 14. Section 15E.17, subsection 4, Code 2007, is
13 31 amended to read as follows:
13 32 4. Subsections 2 and 3 do not apply to the following:
13 33 a. The utilities division of the department of commerce
13 34 insofar as the information relates to public utilities.
13 35 b. The banking division of the department of commerce.
~~14 1 c. The savings and loan division of the department of~~
~~14 2 commerce.~~
14 3 ~~d. c.~~ The credit union division of the department of
14 4 commerce.

14 5 Sec. 15. Section 15G.111, subsection 2, Code Supplement
14 6 2007, is amended to read as follows:
14 7 2. a. For the fiscal period beginning July 1, 2005, and
14 8 ending June 30, 2015, there is appropriated each fiscal year
14 9 from the grow Iowa values fund created in section 15G.108 to
14 10 the department of economic development five million dollars
14 11 for financial assistance to institutions of higher learning
14 12 under the control of the state board of regents for capacity
14 13 building infrastructure in areas related to technology
14 14 commercialization, for marketing and business development
14 15 efforts in areas related to technology commercialization,
14 16 entrepreneurship, and business growth, and for infrastructure
14 17 projects and programs needed to assist in the implementation
14 18 of activities under chapter 262B. In allocating moneys to
14 19 institutions under the control of the state board of regents,
14 20 the board shall require the institutions to provide a
14 21 one-to-one match of additional moneys for the activities
14 22 funded with moneys appropriated under this subsection. The
14 23 state board of regents shall annually prepare a report for

14 24 submission to the governor, the general assembly, and the
14 25 legislative services agency regarding the activities,
14 26 projects, and programs funded with moneys appropriated under
14 27 this subsection.

14 28 b. The state board of regents may allocate any moneys
14 29 appropriated under this subsection and received from the
14 30 department for financial assistance to a single biosciences
14 31 development organization determined by the department to
14 32 possess expertise in promoting the area of bioscience
14 33 entrepreneurship. The organization must be composed of
14 34 representatives of both the public and the private sector and
14 35 shall be composed of subunits or subcommittees in the areas of
15 1 existing identified biosciences platforms, education and
15 2 workforce development, commercialization, communication,
15 3 policy and governance, and finance. Such financial assistance
15 4 shall be used for purposes of activities related to
15 5 biosciences and bioeconomy development under chapter 262B, and
15 6 to accredited private universities in this state.

15 7 ~~By September 30, 2007, the legislative services agency~~
~~15 8 shall submit a written report to the fiscal committee of the~~
~~15 9 legislative council and the standing committees on economic~~
~~15 10 growth in the senate and the house of representatives~~
~~15 11 regarding a review of expenditures by the state board of~~
~~15 12 regents from appropriations under this subsection and 2006~~
~~15 13 Iowa Acts, ch. 1179, section 14.~~

15 14 Sec. 16. Section 16.3, subsection 11, Code Supplement
15 15 2007, is amended by striking the subsection.

15 16 Sec. 17. Section 16.5, subsection 1, paragraphs f and m,
15 17 Code Supplement 2007, are amended to read as follows:

15 18 f. By rule, the ~~board~~ authority shall adopt procedures
15 19 relating to competitive bidding, including the identification
15 20 of those circumstances under which competitive bidding by the
15 21 authority, either formally or informally, shall be required.
15 22 In any bidding process, the authority may administer its own
15 23 bidding and procurement or may utilize the services of the
15 24 department of administrative services or any other agency.
15 25 Except when such rules apply, the authority and all contracts
15 26 made by it in carrying out its public and essential
15 27 governmental functions with respect to any of its programs
15 28 shall be exempt from the provisions and requirements of all
15 29 laws or rules of the state which require competitive bids in
15 30 connection with the letting of such contracts.

15 31 m. In cooperation with other local, state, or federal
15 32 governmental agencies, conduct research studies, develop
15 33 estimates of unmet housing needs, ~~and~~ gather and compile data
15 34 ~~useful to facilitate~~ facilitating decision making, and enter
15 35 into agreements to carry out programs within or without the
16 1 state which the authority finds to be consistent with the
16 2 goals of the authority.

16 3 Sec. 18. Section 24.20, Code 2007, is amended to read as
16 4 follows:

16 5 24.20 TAX RATES FINAL.

16 6 The several tax rates and levies of the municipalities thus
16 7 determined and certified in the manner provided in ~~the~~
~~16 8 preceding sections 24.1 through 24.19~~, except such as are
16 9 authorized by a vote of the people, shall stand as the tax
16 10 rates and levies of said municipality for the ensuing fiscal
16 11 year for the purposes set out in the budget.

16 12 Sec. 19. Section 26.13, Code Supplement 2007, is amended
16 13 to read as follows:

16 14 26.13 EARLY RELEASE OF RETAINED FUNDS.

16 15 1. For purposes of this section:

16 16 a. "Authorized contract representative" means the person
16 17 chosen by the governmental entity or the department to
16 18 represent its interests or the person designated in the
16 19 contract as the party representing the governmental entity's
16 20 or the department's interest regarding administration and
16 21 oversight of the project.

16 22 b. "Department" means the state department of
16 23 transportation.

16 24 c. "Substantially completed" means the first date on which
16 25 any of the following occurs:

16 26 (1) Completion of the public improvement project or the
16 27 highway, bridge, or culvert project or when the work on the
16 28 public improvement or the highway, bridge, or culvert project
16 29 has been substantially completed in general accordance with
16 30 the terms and provisions of the contract.

16 31 (2) The work on the public improvement or on the
16 32 designated portion is substantially completed in general
16 33 accordance with the terms of the contract so that the
16 34 governmental entity or the department can occupy or utilize

16 35 the public improvement or designated portion of the public
17 1 improvement for its intended purpose. This subparagraph shall
17 2 not apply to highway, bridge, or culvert projects.
17 3 (3) The public improvement project or the highway, bridge,
17 4 or culvert project is certified as having been substantially
17 5 completed by either of the following:
17 6 (a) The architect or engineer authorized to make such
17 7 certification.
17 8 (b) The authorized contract representative.
17 9 (4) The governmental entity or the department is occupying
17 10 or utilizing the public improvement for its intended purpose.
17 11 This subparagraph shall not apply to highway, bridge, or
17 12 culvert projects.

17 13 2. Payments made by a governmental entity or the state
17 14 department of transportation for the construction of public
17 15 improvements and highway, bridge, or culvert projects shall be
17 16 made in accordance with the provisions of chapter 573, except
17 17 as provided in this section. ~~For purposes of this section,~~
17 18 ~~"department" means the state department of transportation.:~~

17 19 1- a. At any time after all or any part of the work on
17 20 the public improvement or highway, bridge, or culvert project
17 21 is substantially completed, the contractor may request the
17 22 release of all or part of the retained funds owed. The
17 23 request shall be accompanied by a sworn statement of the
17 24 contractor that, ten calendar days prior to filing the
17 25 request, notice was given as required by ~~subsection 7~~
17 26 ~~paragraphs "f" and "g"~~ to all known subcontractors,
17 27 sub-subcontractors, and suppliers.

17 28 2- b. Except as provided under ~~subsection 3 paragraph~~
17 29 ~~"c"~~, upon receipt of the request, the governmental entity or
17 30 the department shall release all or part of the retained
17 31 funds. Retained funds that are approved as payable shall be
17 32 paid at the time of the next monthly payment or within thirty
17 33 days, whichever is sooner. If partial retained funds are
17 34 released pursuant to a contractor's request, no retained funds
17 35 shall be subsequently held based on that portion of the work.
18 1 If within thirty days of when payment becomes due the
18 2 governmental entity or the department does not release the
18 3 retained funds due, interest shall accrue on the amount of
18 4 retained funds at the rate of interest that is calculated as
18 5 the prime rate plus one percent per year as of the day
18 6 interest begins to accrue until the amount is paid.

18 7 3- c. If labor and materials are yet to be provided at
18 8 the time the request for the release of the retained funds is
18 9 made, an amount equal to two hundred percent of the value of
18 10 the labor or materials yet to be provided, as determined by
18 11 the governmental entity's or the department's authorized
18 12 contract representative, may be withheld until such labor or
18 13 materials are provided. ~~For purposes of this section,~~
18 14 ~~"authorized contract representative" means the person chosen~~
18 15 ~~by the governmental entity or the department to represent its~~
18 16 ~~interests or the person designated in the contract as the~~
18 17 ~~party representing the governmental entity's or the~~
18 18 ~~department's interest regarding administration and oversight~~
18 19 ~~of the project.~~

18 20 4- d. An itemization of the labor or materials yet to be
18 21 provided, or the reason that the request for release of
18 22 retained funds is denied, shall be provided to the contractor
18 23 in writing within thirty calendar days of the receipt of the
18 24 request for release of retained funds.

18 25 5- ~~For purposes of this section, "substantially completed"~~
18 26 ~~means the first date on which any of the following occurs:~~

18 27 a. ~~Completion of the public improvement project or the~~
18 28 ~~highway, bridge, or culvert project or when the work on the~~
18 29 ~~public improvement or the highway, bridge, or culvert project~~
18 30 ~~has been substantially completed in general accordance with~~
18 31 ~~the terms and provisions of the contract.~~

18 32 b. ~~The work on the public improvement or on the designated~~
18 33 ~~portion is substantially completed in general accordance with~~
18 34 ~~the terms of the contract so that the governmental entity or~~
18 35 ~~the department can occupy or utilize the public improvement or~~
19 1 ~~designated portion of the public improvement for its intended~~
19 2 ~~purpose. This paragraph shall not apply to highway, bridge,~~
19 3 ~~or culvert projects.~~

19 4 c. ~~The public improvement project or the highway, bridge,~~
19 5 ~~or culvert project is certified as having been substantially~~
19 6 ~~completed by either of the following:~~

19 7 (1) ~~The architect or engineer authorized to make such~~
19 8 ~~certification.~~

19 9 (2) ~~The authorized contract representative.~~

19 10 d. ~~The governmental entity or the department is occupying~~

~~19 11 or utilizing the public improvement for its intended purpose.~~
~~19 12 This paragraph shall not apply to highway, bridge, or culvert~~
~~19 13 projects.~~

19 14 ~~6. e.~~ The contractor shall release retained funds to the
19 15 subcontractor or subcontractors in the same manner as retained
19 16 funds are released to the contractor by the governmental
19 17 entity or the department. Each subcontractor shall pass
19 18 through to each lower tier subcontractor all retained fund
19 19 payments from the contractor.

19 20 ~~7. f.~~ Prior to applying for release of retained funds,
19 21 the contractor shall send a notice to all known
19 22 subcontractors, sub-subcontractors, and suppliers that
19 23 provided labor or materials for the public improvement project
19 24 or the highway, bridge, or culvert project.

19 25 ~~g.~~ The notice shall be substantially similar to the
19 26 following:

"NOTICE OF CONTRACTOR'S
REQUEST FOR EARLY RELEASE
OF RETAINED FUNDS

19 27
19 28
19 29
19 30 You are hereby notified that [name of contractor] will be
19 31 requesting an early release of funds on a public improvement
19 32 project or a highway, bridge, or culvert project designated as
19 33 [name of project] for which you have or may have provided
19 34 labor or materials. The request will be made pursuant to Iowa
19 35 Code section 26.13. The request may be filed with the [name
20 1 of governmental entity or department] after ten calendar days
20 2 from the date of this notice. The purpose of the request is
20 3 to have [name of governmental entity or department] release
20 4 and pay funds for all work that has been performed and charged
20 5 to [name of governmental entity or department] as of the date
20 6 of this notice. This notice is provided in accordance with
20 7 Iowa Code section 26.13."

20 8 Sec. 20. Section 35A.5, subsection 10, Code Supplement
20 9 2007, is amended to read as follows:

20 10 10. Establish and operate a state veterans cemetery and
20 11 make application to the government of the United States or any
20 12 subdivision, agency, or instrumentality thereof, for funds for
20 13 the purpose of establishing such a cemetery.

20 14 ~~a.~~ The ~~state department~~ may enter into agreements with any
20 15 subdivision of the state for assistance in operating the
20 16 cemetery.

20 17 ~~b.~~ The state shall own the land on which the cemetery is
20 18 located.

20 19 ~~c.~~ The department shall have the authority to accept
20 20 federal grant funds, funding from state subdivisions,
20 21 donations from private sources, and federal "plot allowance"
20 22 payments.

20 23 ~~d.~~ The department through the director shall have the
20 24 authority to accept suitable cemetery land, in accordance with
20 25 federal veterans cemetery grant guidelines, from the federal
20 26 government, state government, state subdivisions, private
20 27 sources, and any other source wishing to transfer land for use
20 28 as a veterans cemetery.

20 29 ~~e.~~ The department may lease or use property received
20 30 pursuant to this subsection for any purpose so long as such
20 31 leasing or use does not interfere with the use of the property
20 32 for cemetery purposes and is not contrary to federal or state
20 33 guidelines.

20 34 ~~f.~~ All funds received pursuant to this subsection,
20 35 including lease payments or funds generated from any activity
21 1 engaged in on any property accepted pursuant to this
21 2 subsection, shall be deposited into an account dedicated to
21 3 the establishment, operation, and maintenance of a veterans
21 4 cemetery and these funds shall be expended only for those
21 5 purposes.

21 6 ~~g.~~ Notwithstanding section 8.33, any moneys in the account
21 7 for a state veterans cemetery shall not revert and,
21 8 notwithstanding section 12C.7, subsection 2, interest or
21 9 earnings on moneys deposited in the fund shall be credited to
21 10 the account.

21 11 Sec. 21. Section 35A.8, subsection 5, paragraph a, Code
21 12 Supplement 2007, is amended to read as follows:

21 13 a. The executive director shall provide for the
21 14 administration of the bonus authorized in this subsection.
21 15 The ~~commission department~~ shall adopt rules, pursuant to
21 16 chapter 17A, as necessary to administer this subsection
21 17 including but not limited to application procedures,
21 18 investigation, approval or disapproval, and payment of claims.

21 19 Sec. 22. Section 46.16, subsection 1, Code 2007, is
21 20 amended to read as follows:

21 21 1. Subject to sections 602.1610 and 602.1612 and to

21 22 removal for cause:

21 23 a. The initial term of office of judges of the supreme
21 24 court, court of appeals and district court shall be for one
21 25 year after appointment and until January 1 following the next
21 26 judicial election after expiration of such year; and

21 27 b. The regular term of office of judges of the supreme
21 28 court retained at a judicial election shall be eight years,
21 29 and of judges of the court of appeals and district court so
21 30 retained shall be six years, from the expiration of their
21 31 initial or previous regular term as the case may be.

21 32 ~~For the purpose of initial appointments to the court of~~
21 33 ~~appeals, two of the judges appointed shall serve an irregular~~
21 34 ~~term ending December 31 of the fourth year after expiration of~~
21 35 ~~the initial term prescribed in subsection 1 and two of the~~
22 1 ~~judges appointed shall serve an irregular term ending December~~
22 2 ~~31 of the fifth year after expiration of the initial term~~
22 3 ~~prescribed in subsection 1. Expiration of irregular terms~~
22 4 ~~shall be deemed expiration of regular terms for all purposes.~~

22 5 Sec. 23. Section 68A.503, subsection 2, paragraph a, Code
22 6 Supplement 2007, is amended to read as follows:

22 7 a. Except as provided in subsection 3, it is unlawful for
22 8 a member of a committee, or its employee or representative,
22 9 except a ballot issue committee, or for a candidate for office
22 10 or the representative of the candidate, to solicit, request,
22 11 or knowingly receive from an insurance company, savings and
22 12 loan association, bank, credit union, or corporation organized
22 13 pursuant to the laws of this state, the United States, or any
22 14 other state, territory, or foreign country, whether for profit
22 15 or not, or its officer, agent, or representative, any money,
22 16 property, or thing of value belonging to the insurance
22 17 company, savings and loan association, bank, credit union, or
22 18 corporation for campaign expenses, or to expressly advocate
22 19 that the vote of an elector be used to nominate, elect, or
22 20 defeat a candidate for public office.

22 21 Sec. 24. Section 68B.4A, subsection 4, Code 2007, is
22 22 amended to read as follows:

22 23 4. The selling of any goods or services by the legislative
22 24 employee does not cause the ~~official or~~ employee to sell goods
22 25 or services to the general assembly on behalf of the
22 26 individual, association, or corporation.

22 27 Sec. 25. Section 80B.11, subsection 1, paragraph c,
22 28 subparagraph (2), Code Supplement 2007, is amended to read as
22 29 follows:

22 30 (2) In-service training under this paragraph "c" shall
22 31 include the requirement that ~~by December 31, 1994~~, all law
22 32 enforcement officers complete a course on investigation,
22 33 identification, and reporting of public offenses based on the
22 34 race, color, religion, ancestry, national origin, political
22 35 affiliation, sex, sexual orientation, age, or disability of
23 1 the victim. The director shall consult with the civil rights
23 2 commission, the department of public safety, and the
23 3 prosecuting attorneys training coordinator in developing the
23 4 requirements for this course and may contract with outside
23 5 providers for this course.

23 6 Sec. 26. Section 86.2, Code 2007, is amended to read as
23 7 follows:

23 8 86.2 APPOINTMENT OF DEPUTIES ~~AND ASSISTANTS~~.

23 9 1. The commissioner may appoint:

23 10 1- a. Chief deputy workers' compensation commissioners
23 11 for whose acts the commissioner is responsible, who are exempt
23 12 from the merit system provisions of chapter 8A, subchapter IV,
23 13 and who shall serve at the pleasure of the commissioner.

23 14 2- b. Deputy workers' compensation commissioners for
23 15 whose acts the commissioner is responsible and who shall serve
23 16 at the pleasure of the commissioner.

23 17 2. All chief deputies and deputies must be lawyers
23 18 admitted to practice in this state.

23 19 3. The commissioner may appoint one or more chief deputy
23 20 workers' compensation commissioners and one or more ~~assistant~~
23 21 ~~deputy~~ workers' compensation commissioners. A chief deputy
23 22 workers' compensation commissioner or ~~an assistant a deputy~~
23 23 workers' compensation commissioner shall perform such
23 24 additional administrative responsibilities as are deemed
23 25 reasonably necessary and assigned by the commissioner.

23 26 Sec. 27. Section 87.1, subsection 1, Code Supplement 2007,
23 27 is amended to read as follows:

23 28 1. Every employer subject to the provisions of this
23 29 ~~chapter~~ and chapters 85, 85A, 85B, and 86, unless relieved
23 30 ~~therefrom~~ as hereinafter provided ~~from the requirements~~
23 31 ~~imposed under this chapter and chapters 85, 85A, 85B, and 86,~~
23 32 shall insure the employer's liability ~~thereunder under this~~

23 33 chapter and chapters 85, 85A, 85B, and 86 in some corporation,
23 34 association, or organization approved by the commissioner of
23 35 insurance.

24 1 Sec. 28. Section 87.22, Code 2007, is amended to read as
24 2 follows:

24 3 87.22 CORPORATE OFFICER EXCLUSION FROM WORKERS'
24 4 COMPENSATION OR EMPLOYERS' LIABILITY COVERAGE.

24 5 1. The president, vice president, secretary, and treasurer
24 6 of a corporation other than a family farm corporation, but not
24 7 to exceed four officers per corporation, may exclude
24 8 themselves from workers' compensation coverage under chapters
24 9 85, 85A, and 85B by knowingly and voluntarily rejecting
24 10 workers' compensation coverage by signing, and attaching to
24 11 the workers' compensation or employers' liability policy a
24 12 written rejection, or if such a policy is not issued, by
24 13 signing a written rejection which is witnessed by two
24 14 disinterested individuals who are not, formally or informally,
24 15 affiliated with the corporation and which is filed by the
24 16 corporation with the workers' compensation commissioner.
24 17 2. The written rejection shall be in substantially the
24 18 following form:

24 19 REJECTION OF WORKERS'
24 20 COMPENSATION OR EMPLOYERS'
24 21 LIABILITY COVERAGE

24 22 I understand that by signing this statement I reject the
24 23 coverage of chapters 85, 85A, and 85B of the Code of Iowa
24 24 relating to workers' compensation.

24 25 I understand that my rejection of the coverage of chapters
24 26 85, 85A, and 85B is not a waiver of any rights or remedies
24 27 available to me or to others on my behalf in a civil action
24 28 related to personal injuries sustained by me arising out of
24 29 and in the course of my employment with the corporation.

24 30 I also understand that by signing this statement and
24 31 checking alternative (1) below I reject employers' liability
24 32 coverage for bodily injuries or death sustained by me arising
24 33 out of and in the course of my employment with the
24 34 corporation. (Check either alternative (1) or (2):)

24 35 (1) I reject the employers' liability coverage.
25 1 (2) I decline to reject the employers' liability coverage.

25 2 Signed
25 3 Corporate Office
25 4 Date
25 5 City, County, State
25 6 of Residence

25 7 Witness
25 8 Witness

25 9 I also understand that the signing of this statement and
25 10 checking of alternative (1) below by an authorized agent of
25 11 the corporation rejects for the corporation employers'
25 12 liability coverage for bodily injuries or death sustained by
25 13 me arising out of and in the course of my employment with the
25 14 corporation. (Check either alternative (1) or (2):)

25 15 (1) The corporation rejects the employers' liability
25 16 coverage.
25 17 (2) The corporation declines to reject the employers'
25 18 liability coverage.

25 19 Signed
25 20 Relationship to Corporation
25 21 Date
25 22 City, County, State
25 23 of Residence

25 24 Witness
25 25 Witness

25 26 3. The rejection of workers' compensation coverage is not
25 27 enforceable if it is required as a condition of employment.

25 28 4. A corporate officer who signs a written rejection filed
25 29 with the workers' compensation commissioner may terminate the
25 30 rejection by signing a written notice of termination which is
25 31 witnessed by two disinterested individuals, who are not,
25 32 formally or informally, affiliated with the corporation and
25 33 which is filed by the corporation with the workers'
25 34 compensation commissioner.

25 35 Sec. 29. Section 89.7A, subsection 1, Code Supplement
26 1 2007, is amended to read as follows:

26 2 1. The commissioner shall issue a certificate of
26 3 inspection valid for the period specified in section 89.3
26 4 after the payment of a fee, the filing of an inspection
26 5 report, and the correction or other appropriate resolution of
26 6 any defects identified in the inspection report. The
26 7 certificate shall be posted at a place near the location of
26 8 the equipment.

26 9 Sec. 30. Section 97B.49G, subsection 2, paragraph b, Code
26 10 2007, is amended to read as follows:

26 11 b. (1) Effective July 1, 1978, for each member who
26 12 retired from the retirement system prior to January 1, 1976,
26 13 the amount of regular monthly retirement allowance
26 14 attributable to membership service and prior service that was
26 15 payable to the member for June 1978 is increased as follows:

26 16 ~~(1)~~ (a) For the first ten years of service, fifty cents
26 17 per month for each complete year of service.

26 18 ~~(2)~~ (b) For the eleventh through the twentieth years of
26 19 service, two dollars per month for each complete year of
26 20 service.

26 21 ~~(3)~~ (c) For the twenty-first through the thirtieth years
26 22 of service, three dollars per month for each complete year of
26 23 service.

26 24 (2) Effective July 1, 1979, the increases granted to
26 25 members under this ~~subparagraph~~ paragraph "b" shall be paid to
26 26 contingent annuitants and to beneficiaries.

26 27 Sec. 31. Section 100B.22, subsection 1, paragraph b, Code
26 28 Supplement 2007, is amended to read as follows:

26 29 b. The public agencies named in paragraph "a",
26 30 ~~subparagraphs (1) through (10)~~, shall, in conjunction with the
26 31 bureau, coordinate fire service training programs as described
26 32 in section 100B.6 at each training center.

26 33 Sec. 32. Section 100B.22, subsection 2, paragraph a, Code
26 34 Supplement 2007, is amended to read as follows:

26 35 a. A lead public agency listed in subsection 1, paragraph
27 1 "a", ~~subparagraphs (1) through (11)~~, shall submit an
27 2 application to the bureau in order to be eligible to receive a
27 3 state appropriation for the agency's training center. The
27 4 bureau shall prescribe the form of the application and, on or
27 5 before August 15, 2006, shall provide such application to each
27 6 lead public agency.

27 7 Sec. 33. Section 100C.10, subsection 4, Code Supplement
27 8 2007, is amended to read as follows:

27 9 4. The commissioner shall initially appoint two members
27 10 for two-year terms, two members for four-year terms, and three
27 11 members for six-year terms. Following the expiration of the
27 12 terms of initially appointed members, each term thereafter
27 13 shall be for a period of six years. No member shall serve
27 14 more than two consecutive terms. ~~Of the appointments to new~~
27 15 ~~positions on the board which take effect July 1, 2007, the~~
27 16 ~~commissioner shall make the initial appointments for two,~~
27 17 ~~four, or six years, at the commissioner's discretion, so that~~
27 18 ~~the terms of no more than four board members shall expire at~~
27 19 ~~the same time.~~ If a position on the board becomes vacant
27 20 prior to the expiration of a member's term, the member
27 21 appointed to the vacancy shall serve the balance of the
27 22 unexpired term.

27 23 Sec. 34. Section 103.6, subsection 2, unnumbered paragraph
27 24 1, Code Supplement 2007, is amended to read as follows:

27 25 Revoke, suspend, or refuse to renew any license granted
27 26 pursuant to this chapter when the licensee does any of the
27 27 following:

27 28 Sec. 35. Section 103.22, subsection 10, Code Supplement
27 29 2007, is amended to read as follows:

27 30 10. Apply to a person performing alarm system
27 31 installations pursuant to section 103.14 or to a person who is
27 32 engaged in the design, installation, erection, repair,
27 33 maintenance, or alteration of class two or class three remote
27 34 control, signaling, or power-limited circuits, optical fiber
27 35 cables or other cabling, or communications circuits, including
28 1 raceways, as defined in the national electrical code for
28 2 voice, video, audio, and data signals in commercial or
28 3 residential premises.

28 4 Sec. 36. Section 103A.21, subsection 2, Code Supplement
28 5 2007, is amended to read as follows:

28 6 2. Violation of this chapter shall not impose any
28 7 disability upon or affect or impair the credibility as a
28 8 witness, or otherwise, of any person.

28 9 ~~Violations of this section shall be simple misdemeanors.~~

28 10 Sec. 37. Section 135.20, subsection 2, Code Supplement
28 11 2007, is amended to read as follows:

28 12 2. The information to be distributed shall be determined
28 13 by the department by rule, in consultation with the department
28 14 of veterans affairs. The department shall cooperate with the
28 15 department of veterans affairs regarding distribution of the
28 16 information to the veterans home, the county commissions of
28 17 veteran affairs, veterans hospitals, and other appropriate
28 18 points of distribution. The information shall, at a minimum,
28 19 contain statements indicating that:

28 20 a. The federal department of veterans affairs estimates a
28 21 hepatitis C infection rate in veterans more than three times
28 22 higher than for the general population.
28 23 b. The infection rate for Vietnam veterans is estimated to
28 24 be even higher than for other veterans groups.
28 25 c. The disease is caused by a bloodborne virus readily
28 26 transmitted during combat and combat-related emergency medical
28 27 treatment.

28 28 d. Many veterans currently carrying the virus were
28 29 infected prior to the development of medical screening tests.

28 30 e. The hepatitis C virus often resolves into a chronic
28 31 infection without symptoms for ten to thirty years before
28 32 signs of resultant liver disease appear.

28 33 f. This unusually long latency period makes it difficult
28 34 to connect current symptoms with an infection that may have
28 35 actually been contracted during military service decades ago.

29 1 g. The information shall also present treatment options
29 2 and shall specify a procedure to be followed for veterans
29 3 desiring a medical consultation for screening and treatment
29 4 purposes. ~~The department shall cooperate with the department
29 5 of veterans affairs regarding distribution of the information
29 6 to the veterans home, the county commissions of veteran
29 7 affairs, veterans hospitals, and other appropriate points of
29 8 distribution.~~

29 9 Sec. 38. Section 172B.4, subsection 3, Code 2007, is
29 10 amended to read as follows:

29 11 3. LAW ENFORCEMENT OFFICER.

29 12 a. A law enforcement officer, upon requesting and
29 13 receiving a transportation certificate, shall retain a copy of
29 14 the certificate and shall submit the certificate to the law
29 15 enforcement agency by which the officer is employed.

29 16 b. The law enforcement officer shall give to the person
29 17 transporting livestock, in a form prescribed by the
29 18 commissioner of public safety or the commissioner's designee,
29 19 a receipt for the certificate given to the officer. However,
29 20 a. The commissioner of public safety may authorize the use of
29 21 any method of giving receipt, including endorsement by the
29 22 officer on the certificate retained by the person transporting
29 23 livestock. The receipt shall make the law enforcement officer
29 24 issuing the receipt identifiable by other law enforcement
29 25 officers.

29 26 c. A law enforcement officer shall not retain a copy of
29 27 the certificate if the person transporting livestock has a
29 28 receipt issued by another law enforcement officer.

29 29 ~~The commissioner of public safety may authorize the use of~~
29 30 ~~any method of giving receipt, including endorsement by the~~
29 31 ~~officer on the certificate retained by the person transporting~~
29 32 ~~livestock. The receipt shall make the law enforcement officer~~
29 33 ~~issuing the receipt identifiable by other law enforcement~~
29 34 ~~officers.~~

29 35 Sec. 39. Section 175.19, subsections 2 and 5, Code 2007,
30 1 are amended to read as follows:

30 2 2. a. The authority or any trustee appointed under the
30 3 indenture under which the bonds are issued may, but upon
30 4 written request of the holders of twenty-five percent in
30 5 aggregate principal amount of the issue of bonds or notes then
30 6 outstanding shall:

30 7 a- (1) Enforce all rights of the bondholders or
30 8 noteholders including the right to require the authority to
30 9 carry out its agreements with the holders and to perform its
30 10 duties under this chapter.

30 11 b- (2) Bring suit upon the bonds or notes.

30 12 c- (3) By action require the authority to account as if
30 13 it were the trustee of an express trust for the holders.

30 14 d- (4) By action enjoin any acts or things which are
30 15 unlawful or in violation of the rights of the holders.

30 16 e- (5) Declare all the bonds or notes due and payable and
30 17 if all defaults are made good then with the consent of the
30 18 holders of twenty-five percent of the aggregate principal
30 19 amount of the issue of bonds or notes then outstanding, annul
30 20 the declaration and its consequences.

30 21 b. The bondholders or noteholders may, to the extent
30 22 provided in the resolution to which the bonds or notes were
30 23 issued or in its agreement with the authority, enforce any of
30 24 the remedies in paragraph "a", subparagraphs (1) through (5),
30 25 or the remedies provided in such proceedings or agreements for
30 26 and on their own behalf.

30 27 5. The district court has jurisdiction of any action by
30 28 the trustee on behalf of bondholders or noteholders. The
30 29 venue of the action shall be in the county in which the
30 30 principal office of the authority is located.

~~30 31 The bondholders or noteholders may, to the extent provided~~
~~30 32 in the resolution to which the bonds or notes were issued or~~
~~30 33 in its agreement with the authority, enforce any of the~~
~~30 34 remedies in paragraphs "a" to "e" or the remedies provided in~~
~~30 35 such proceedings or agreements for and on their own behalf.~~
31 1 Sec. 40. Section 185.3, subsection 1, Code 2007, is
31 2 amended to read as follows:
31 3 1. a. The board shall consist of directors who are
31 4 producers residing in Iowa at the time of the election. The
31 5 directors shall ~~include all of the following~~ be elected as
31 6 follows:
31 7 ~~a. (1) Four producers who are directors shall be elected~~
31 8 ~~from producers from the state at large.~~
31 9 ~~b. (2) One producer who is director per district shall be~~
31 10 ~~elected from producers from each district in the state.~~
31 11 However, two ~~producers~~ directors shall be elected from the
31 12 producers from a district producing if more than an average of
31 13 twenty-five million bushels of soybeans were produced in that
31 14 district in the three previous years prior to the election.
31 15 b. A producer shall be entitled to vote in the election
31 16 regardless of whether the producer is a member of the
31 17 association.
31 18 Sec. 41. Section 231D.5, subsection 2, Code Supplement
31 19 2007, is amended to read as follows:
31 20 2. In the case of an application by an existing
31 21 certificate holder for a new or newly acquired adult day
31 22 services program, the department may deny certification on the
31 23 basis of continuing or repeated failure of the certificate
31 24 holder to operate any previously certified adult day services
31 25 program in compliance with this chapter or of the rules
31 26 adopted pursuant to this chapter.
31 27 Sec. 42. Section 256.11, subsection 5, paragraph b, Code
31 28 Supplement 2007, is amended to read as follows:
31 29 b. Five units of the social studies including instruction
31 30 in voting statutes and procedures, voter registration
31 31 requirements, the use of paper ballots and voting machines in
31 32 the election process, and the method of acquiring and casting
31 33 an absentee ballot. All students shall complete a minimum of
31 34 one-half unit of United States government and one unit of
31 35 United States history. The one-half unit of United States
32 1 government shall include the voting procedure as described in
32 2 this lettered paragraph and section 280.9A. The government
32 3 instruction shall also include a study of the Constitution of
32 4 the United States and the Bill of Rights contained in the
32 5 Constitution and an assessment of a student's knowledge of the
32 6 Constitution and the Bill of Rights.
32 7 ~~The county auditor, upon request and at a site chosen by~~
32 8 ~~the county auditor, shall make available to schools within the~~
32 9 ~~county voting machines or sample ballots that are generally~~
32 10 ~~used within the county, at times when these machines or sample~~
32 11 ~~ballots are not in use for their recognized purpose.~~
32 12 Sec. 43. Section 261A.4, subsection 13, Code 2007, is
32 13 amended to read as follows:
32 14 13. "Loan funding deposit" means money or other property
32 15 that is deposited:
32 16 a. by ~~By~~ an institution with the authority or a trustee.
32 17 b. In amounts deemed necessary by the authority as a
32 18 condition for the institution's participation in the
32 19 authority's programs.
32 20 ~~c. for~~ For the purpose of one or more of the following:
32 21 a. (1) Providing security for obligations.
32 22 b. (2) Funding a default reserve fund.
32 23 c. (3) Acquiring default insurance.
32 24 d. (4) Defraying costs of the authority.
32 25 ~~The moneys or properties shall be in amounts deemed~~
32 26 ~~necessary by the authority as a condition for the~~
32 27 ~~institution's participation in the authority's programs.~~
32 28 Sec. 44. Section 272.9A, subsection 1, Code Supplement
32 29 2007, is amended to read as follows:
32 30 1. Beginning July 1, 2007, requirements for administrator
32 31 licensure beyond an initial license shall include completion
32 32 of a beginning administrator mentoring and induction program
32 33 ~~provided by the department pursuant to section 284A.5,~~
32 34 ~~subsection 2, and demonstration of competence on the~~
32 35 ~~administrator standards adopted pursuant to section 284A.3.~~
33 1 Sec. 45. Section 280.9A, Code 2007, is amended by adding
33 2 the following new subsection:
33 3 NEW SUBSECTION. 1A. The county auditor, upon request and
33 4 at a site chosen by the county auditor, shall make available
33 5 to schools within the county voting machines or sample ballots
33 6 that are generally used within the county, at times when these

33 7 machines or sample ballots are not in use for their recognized
33 8 purpose.

33 9 Sec. 46. Section 341A.12, unnumbered paragraph 1, Code
33 10 Supplement 2007, is amended to read as follows:

33 11 No person in the classified civil service who has been
33 12 permanently appointed or inducted into civil service under
33 13 provisions of this chapter shall be removed, suspended, or
33 14 demoted except for cause, and only upon written accusation of
33 15 the county sheriff, which shall be served upon the accused,
33 16 and a duplicate filed with the commission. Any person so
33 17 removed, suspended, or reduced in rank or grade may, within
33 18 ten days after presentation to the person of the order of
33 19 removal, suspension or reduction, appeal to the commission
33 20 from such order. The commission shall, within two weeks from
33 21 the filing of such appeal, hold a hearing thereon, and fully
33 22 hear and determine the matter, and either affirm, modify, or
33 23 revoke such order. The appellant shall be entitled to ~~appeal~~
~~33 24 personally appear in person~~, produce evidence, and to have
33 25 counsel. The finding and decision of the commission shall be
33 26 certified to the sheriff, and shall be enforced and followed
33 27 by the sheriff, but under no condition shall the employee who
33 28 has appealed to the commission be permanently removed,
33 29 suspended, or reduced in rank until such finding and decision
33 30 of the commission is certified to the sheriff pursuant to the
33 31 rules of civil procedure.

33 32 Sec. 47. Section 357A.11, subsection 13, Code Supplement
33 33 2007, is amended to read as follows:

33 34 13. In addition to all other powers granted to the board,
33 35 the board may sell, convey, merge, or otherwise dispose of all
34 1 or any portion of the real property or personal property of
34 2 the district and all or any portion of the district's right to
34 3 provide water or wastewater service to an area in order that
34 4 another service provider permitted by the department of
34 5 natural resources pursuant to chapter 455B may assume any or
34 6 all of the district's duties and obligations or that the
34 7 district may be dissolved.

34 8 a. If the district is to be dissolved, the board shall
34 9 file a notice of dissolution with the auditor of the county or
34 10 counties in which the district is located.

34 11 b. Prior to such sale, conveyance, merger, or disposition
34 12 by the board that includes the relinquishment of the
34 13 district's right to provide service to an area, the board
34 14 shall publish notice of a public hearing not less than four
34 15 nor more than twenty days before the date fixed for the
34 16 hearing in a newspaper of general circulation in the area for
34 17 which the board seeks to relinquish service. The board shall
34 18 mail notice of a public hearing to the district's members in
34 19 the area for which the board seeks to relinquish service not
34 20 less than fourteen days prior to such public hearing. A
34 21 public hearing is not required when the board relinquishes the
34 22 district's right to service an area within the corporate
34 23 limits of a city if the city will provide service in
34 24 compliance with the city's annexation plan.

34 25 c. After hearing or if none is required, the board may
34 26 adopt a resolution approving the sale, conveyance, merger, or
34 27 disposition; however, the board shall provide for the
34 28 continuation of water or wastewater service to the area by
34 29 another service provider immediately following such sale,
34 30 conveyance, merger, or disposition.

~~34 31 This chapter and chapter 384, as it applies to rural water~~
~~34 32 districts, shall not be construed to mean that the real~~
~~34 33 property of any rural water subscriber shall be used as~~
~~34 34 security for any debts of a rural water district. However,~~
~~34 35 the failure to pay water rates or charges by a subscriber may~~
~~35 1 result in a lien being attached against the premises served~~
~~35 2 upon certification to the county treasurer that the rate or~~
~~35 3 charges are due.~~

35 4 Sec. 48. NEW SECTION. 357A.25 PROPERTY NOT SECURITY FOR
35 5 DEBT.

35 6 This chapter and chapter 384, as it applies to rural water
35 7 districts, shall not be construed to mean that the real
35 8 property of any rural water subscriber shall be used as
35 9 security for any debts of a rural water district. However,
35 10 the failure to pay water rates or charges by a subscriber may
35 11 result in a lien being attached against the premises served
35 12 upon certification to the county treasurer that the rate or
35 13 charges are due.

35 14 Sec. 49. Section 422.11T, Code Supplement 2007, is amended
35 15 to read as follows:

35 16 422.11T FILM QUALIFIED EXPENDITURE TAX CREDIT.

35 17 The taxes imposed under this division, less the ~~credits~~

35 18 ~~credit~~ allowed under ~~sections~~ section 422.12 and 422.12B,
35 19 shall be reduced by a qualified expenditure tax credit
35 20 authorized pursuant to section 15.393, subsection 2, paragraph
35 21 "a".
35 22 Sec. 50. Section 422.11U, Code Supplement 2007, is amended
35 23 to read as follows:
35 24 422.11U FILM INVESTMENT TAX CREDIT.
35 25 The taxes imposed under this division, less the ~~credits~~
35 26 ~~credit~~ allowed under ~~sections~~ section 422.12 and 422.12B,
35 27 shall be reduced by an investment tax credit authorized
35 28 pursuant to section 15.393, subsection 2, paragraph "b".
35 29 Sec. 51. Section 434.16, Code 2007, is amended to read as
35 30 follows:
35 31 434.16 ASSESSMENT OF SLEEPING AND DINING CARS.
35 32 The director of revenue shall, at the time of the
35 33 assessment of other railway property for taxation, assess for
35 34 taxation the average number of sleeping and dining cars as
35 35 provided in section 434.6 so used by such corporation each
36 1 month and the assessed value of said cars shall bear the same
36 2 proportion to the entire value thereof that the monthly
36 3 average number of miles such cars have been run or operated
36 4 within the state shall bear to the monthly average number of
36 5 miles such cars have been used or operated within and without
36 6 the state. Such valuation shall be in the same ratio as that
36 7 of the property of individuals, and shall be added to the
36 8 assessed valuation of the corporation, fixed under ~~the~~
36 9 ~~preceding sections~~ section 434.15.
36 10 Sec. 52. Section 455B.131, subsection 9, Code Supplement
36 11 2007, is amended to read as follows:
36 12 9. "Person" means an individual, partnership,
36 13 ~~copartnership~~, cooperative, firm, company, public or private
36 14 corporation, political subdivision, agency of the state,
36 15 trust, estate, joint stock company, an agency or department of
36 16 the federal government or any other legal entity, or a legal
36 17 representative, agent, officer, employee or assigns of such
36 18 entities.
36 19 Sec. 53. Section 462A.2, subsection 22, Code Supplement
36 20 2007, is amended to read as follows:
36 21 22. "Navigable waters" means all lakes, rivers, and
36 22 streams, which can support a vessel capable of carrying one or
36 23 more persons during a total of six months ~~period~~ in one out of
36 24 every ten years.
36 25 Sec. 54. Section 484B.4, subsection 1, Code 2007, is
36 26 amended to read as follows:
36 27 1. A person who owns or controls by lease or otherwise for
36 28 five or more years, a contiguous tract of land having an area
36 29 of not less than three hundred twenty acres, and who desires
36 30 to establish a hunting preserve, to propagate and sell game
36 31 birds and their young or unhatched eggs, and shoot game birds
36 32 and ungulates on the land, under this chapter or the rules of
36 33 the commission, shall make application to the department for
36 34 an operator's license. The application shall be made under
36 35 oath of the applicant or under oath of one of its principal
37 1 officers if the applicant is an association, ~~or corporation,~~
37 2 ~~or copartnership~~. Under the authority of this license, any
37 3 property or facilities to be used for propagating, holding,
37 4 processing, or pasturing of game birds or ungulates shall not
37 5 be required to be contained within the contiguous land area
37 6 used for hunting purposes. The application shall be
37 7 accompanied by an operator's license fee of two hundred
37 8 dollars.
37 9 Sec. 55. Section 490.624, subsection 2, unnumbered
37 10 paragraph 1, Code Supplement 2007, is amended to read as
37 11 follows:
37 12 The terms and conditions of such rights, options, or
37 13 warrants, including those outstanding on ~~the effective date of~~
37 14 ~~this section July 1, 1989~~, may include, without limitation,
37 15 restrictions, or conditions that do any of the following:
37 16 Sec. 56. Section 524.212, Code Supplement 2007, is amended
37 17 to read as follows:
37 18 524.212 PROHIBITION AGAINST DISCLOSURE OF REGULATORY
37 19 INFORMATION.
37 20 The superintendent, members of the state banking council,
37 21 general counsel, examiners, or other employees of the banking
37 22 division shall not disclose, in any manner, to any person
37 23 other than the person examined and those regulatory agencies
37 24 referred to in section 524.217, subsection 2, any information
37 25 relating specifically to the supervision and regulation of any
37 26 state bank, persons subject to the provisions of chapter 533A,
37 27 533C, 536, or 536A, any affiliate of any state bank, or an
37 28 affiliate of a person subject to the provisions of chapter

37 29 533A, 533C, 536, or 536A, except when ordered to do so by a
37 30 court of competent jurisdiction and then only in those
37 31 instances referred to in section 524.215, subsection 2,
37 32 paragraphs "a", "b", "c", ~~and "e", and "f"~~.
37 33 Sec. 57. Section 533.214, Code Supplement 2007, is amended
37 34 to read as follows:
37 35 533.214 CENTRAL CREDIT UNIONS.
38 1 Credit unions known as central credit unions may exist for
38 2 the purpose of serving directors, officers, and employees of
38 3 credit unions, members of dissolved and ~~members of other~~
38 4 ~~existing~~ credit unions, ~~directors, officers, and employees of~~
38 5 credit unions, employee groups as described in section
38 6 533.301, subsection 13, and such other persons as the
38 7 superintendent approves.
38 8 Sec. 58. Section 537A.4, unnumbered paragraph 2, Code
38 9 2007, is amended to read as follows:
38 10 This section does not apply to a contract for the operation
38 11 of or for the sale or rental of equipment for games of skill
38 12 or games of chance, if both the contract and the games are in
38 13 compliance with chapter 99B. This section does not apply to
38 14 wagering under the pari-mutuel method of wagering authorized
38 15 by chapter 99D. This section does not apply to the sale,
38 16 purchase, or redemption of a ticket or share in the state
38 17 lottery in compliance with chapter 99G. This section does not
38 18 apply to wagering ~~under the excursion boat gambling method of~~
38 19 ~~wagering~~ authorized by chapter 99F. This section does not
38 20 apply to the sale, purchase, or redemption of any ticket or
38 21 similar gambling device legally purchased in Indian lands
38 22 within this state.
38 23 Sec. 59. Section 542.4, subsection 1, Code 2007, is
38 24 amended to read as follows:
38 25 1. An Iowa accountancy examining board is created within
38 26 the professional licensing and regulation bureau of the
38 27 banking division of the department of commerce to administer
38 28 and enforce this chapter. The board shall consist of eight
38 29 members, appointed by the governor and subject to senate
38 30 confirmation, all of whom shall be residents of this state.
38 31 Five of the eight members shall be holders of certificates
38 32 issued under section 542.6, one member shall be the holder of
38 33 a license issued under section 542.8, and two shall not be
38 34 certified public accountants or licensed public accountants
38 35 and shall represent the general public. At least three of the
39 1 holders of certificates issued under section 542.6 shall also
39 2 be qualified to supervise attest services as provided in
39 3 section 542.7. A certified or licensed member of the board
39 4 shall be actively engaged in practice as a certified public
39 5 accountant or as a licensed public accountant and shall have
39 6 been so engaged for five years preceding appointment, the last
39 7 two of which shall have been in this state. Professional
39 8 associations or societies composed of certified public
39 9 accountants or licensed public accountants may recommend the
39 10 names of potential board members to the governor. However,
39 11 the governor is not bound by the recommendations. A board
39 12 member is not required to be a member of any professional
39 13 association or society composed of certified public
39 14 accountants or licensed public accountants. The term of each
39 15 member of the board shall be three years, as designated by the
39 16 governor, and appointments to the board are subject to the
39 17 requirements of sections 69.16, 69.16A, and 69.19. ~~Members of~~
39 18 ~~the board appointed and serving pursuant to chapter 542C, Code~~
39 19 ~~2001, on July 1, 2002, shall serve out the terms for which~~
39 20 ~~they were appointed.~~ Vacancies occurring during a term shall
39 21 be filled by appointment by the governor for the unexpired
39 22 term. Upon the expiration of the member's term of office, a
39 23 member shall continue to serve until a successor shall have
39 24 been appointed and taken office. The public members of the
39 25 board shall be allowed to participate in administrative,
39 26 clerical, or ministerial functions incident to giving the
39 27 examinations, but shall not determine the content or determine
39 28 the correctness of the answers. The licensed public
39 29 accountant member shall not determine the content of the
39 30 certified public accountant examination or determine the
39 31 correctness of the answers. Any member of the board whose
39 32 certificate under section 542.6 or license under section 542.8
39 33 is revoked or suspended shall automatically cease to be a
39 34 member of the board, and the governor may, after a hearing,
39 35 remove any member of the board for neglect of duty or other
40 1 just cause. A person who has served three successive complete
40 2 terms shall not be eligible for reappointment, but appointment
40 3 to fill an unexpired term shall not be considered a complete
40 4 term for this purpose.

40 5 Sec. 60. Section 542.5, subsection 8, Code 2007, is
40 6 amended to read as follows:

40 7 8. An applicant must pass an examination which shall be
40 8 offered at least twice per year and which shall test the
40 9 applicant's knowledge of the subjects of accounting and
40 10 auditing, and such other related subjects as the board may
40 11 specify by rule, including but not limited to business law and
40 12 taxation. The examination shall be held at a time determined
40 13 by the board and may be changed from time to time. The board
40 14 shall prescribe by rule the methods of applying for and
40 15 conducting the examination, including methods for grading and
40 16 determining a passing grade required of an applicant for a
40 17 certificate. However, the board, to the extent possible,
40 18 shall ensure the examination, grading of the examination, and
40 19 the passing grades are uniform with those applicable in all
40 20 other states. The board may make such use of all or any part
40 21 of a nationally recognized uniform certified public accountant
40 22 examination and advisory grading service, and may contract
40 23 with third parties to perform such administrative services
40 24 with respect to the examination as it deems appropriate to
40 25 perform the duties of the board with respect to examination.
~~40 26 Except as otherwise provided under this section, a person who~~
~~40 27 has partially passed the examination required by this~~
~~40 28 subsection by passing one or more subjects prior to December~~
~~40 29 31, 2000, has until December 31, 2003, to successfully~~
~~40 30 complete the examination process and qualify for a certificate~~
~~40 31 under the educational requirements in effect prior to December~~
~~40 32 31, 2000.~~

40 33 Sec. 61. Section 554.2505, subsection 2, Code Supplement
40 34 2007, is amended to read as follows:

40 35 2. When shipment by the seller with reservation of a
41 1 security interest is in violation of the contract for sale it
41 2 constitutes an improper contract for transportation ~~within the~~
~~41 3 preceding under section 554.2504~~ but impairs neither the
41 4 rights given to the buyer by shipment and identification of
41 5 the goods to the contract nor the seller's powers as a holder
41 6 of a negotiable document of title.

41 7 Sec. 62. Section 564.3, Code 2007, is amended to read as
41 8 follows:

41 9 564.3 ~~FOOTWAY PEDESTRIAN RIGHTS=OF=WAY OR EASEMENTS.~~
41 10 ~~No right of footway, except claimed in connection with a~~
~~41 11 right to pass with carriages, An easement or right-of-way for~~
~~41 12 pedestrian traffic shall not be acquired by prescription or~~
41 13 adverse use for any length of time except when claimed in
~~41 14 connection with an easement or right-of-way to permit passage~~
~~41 15 of public or private vehicular traffic.~~

41 16 Sec. 63. Section 600A.2, subsections 6 and 8, Code 2007,
41 17 are amended to read as follows:

41 18 6. "Custodian" means a stepparent or a relative within the
41 19 fourth degree of consanguinity to a minor child who has
41 20 assumed responsibility for that child, a person who has
41 21 accepted a release of custody, or a person appointed by a
41 22 court or juvenile court having jurisdiction over a child. A
~~41 23 "custodian" has the rights and duties provided in section~~

~~41 24 600A.2A. The rights and duties of a custodian with respect to~~
~~41 25 a child shall be as follows:~~

41 26 a. ~~To maintain or transfer to another the physical~~
~~41 27 possession of that child.~~

41 28 b. ~~To protect, train, and discipline that child.~~

41 29 c. ~~To provide food, clothing, housing, and ordinary~~
~~41 30 medical care for that child.~~

41 31 d. ~~To consent to emergency medical care, including~~
~~41 32 surgery.~~

41 33 e. ~~To sign a release of medical information to a health~~
~~41 34 professional.~~

41 35 ~~All rights and duties of a custodian shall be subject to any~~
~~42 1 residual rights and duties remaining in a parent or guardian.~~

42 2 8. "Guardian" means a person who is not the parent of a
42 3 minor child, but who has been appointed by a court or juvenile
42 4 court having jurisdiction over the minor child to make
42 5 important decisions which have permanent effect on the life
42 6 and development of that child and to promote the general
42 7 welfare of that child. A guardian has the rights and duties
~~42 8 provided in section 600A.2B.~~ A guardian may be a court or a

42 9 juvenile court. Guardian does not mean conservator, as
42 10 defined in section 633.3, although a person who is appointed
42 11 to be a guardian may also be appointed to be a conservator.

~~42 12 Unless otherwise enlarged or circumscribed by a court or~~
~~42 13 juvenile court having jurisdiction over the minor child or by~~
~~42 14 operation of law, the rights and duties of a guardian with~~
~~42 15 respect to a minor child shall be as follows:~~

~~42 16 a. To consent to marriage, enlistment in the armed forces~~
~~42 17 of the United States, or medical, psychiatric or surgical~~
~~42 18 treatment.~~
~~42 19 b. To serve as custodian, unless another person has been~~
~~42 20 appointed custodian.~~
~~42 21 c. To make reasonable visitations if the guardian does not~~
~~42 22 have physical possession or custody of the minor child.~~
~~42 23 d. To consent to adoption and to make any other decision~~
~~42 24 that the parents could have made when the parent-child~~
~~42 25 relationship existed.~~

42 26 Sec. 64. NEW SECTION. 600A.2A RIGHTS AND DUTIES OF
42 27 CUSTODIAN.

42 28 1. The rights and duties of a custodian with respect to a
42 29 child shall be as follows:

42 30 a. To maintain or transfer to another the physical
42 31 possession of that child.

42 32 b. To protect, train, and discipline that child.

42 33 c. To provide food, clothing, housing, and ordinary
42 34 medical care for that child.

42 35 d. To consent to emergency medical care, including
43 1 surgery.

43 2 e. To sign a release of medical information to a health
43 3 professional.

43 4 2. All rights and duties of a custodian shall be subject
43 5 to any residual rights and duties remaining in a parent or
43 6 guardian.

43 7 Sec. 65. NEW SECTION. 600A.2B RIGHTS AND DUTIES OF
43 8 GUARDIAN.

43 9 Unless otherwise enlarged or circumscribed by a court or
43 10 juvenile court having jurisdiction over the minor child or by
43 11 operation of law, the rights and duties of a guardian with
43 12 respect to a minor child shall be as follows:

43 13 1. To consent to marriage, enlistment in the armed forces
43 14 of the United States, or medical, psychiatric, or surgical
43 15 treatment.

43 16 2. To serve as custodian, unless another person has been
43 17 appointed custodian.

43 18 3. To make reasonable visitations if the guardian does not
43 19 have physical possession or custody of the minor child.

43 20 4. To consent to adoption and to make any other decision
43 21 that the parents could have made when the parent-child
43 22 relationship existed.

43 23 Sec. 66. Section 615.1, Code 2007, is amended to read as
43 24 follows:

43 25 615.1 EXECUTION ON CERTAIN JUDGMENTS PROHIBITED.

~~43 26 1. After the expiration of a period of two years from~~
~~43 27 the date of entry of judgment, exclusive of any time during~~
~~43 28 which execution on the judgment was stayed pending a~~
~~43 29 bankruptcy action, a judgment entered in an action for either~~
~~43 30 of the following actions the foreclosure of a real estate~~
~~43 31 mortgage, deed of trust, or real estate contract upon property~~
~~43 32 which at the time of judgment is either used for an~~
~~43 33 agricultural purpose as defined in section 535.13 or a~~
~~43 34 one-family or two-family dwelling which is the residence of~~
~~43 35 the mortgagor, or in any action on a claim for rent shall be~~
44 1 null and void, all liens shall be extinguished, and no
44 2 execution shall be issued for any purpose other than as a
44 3 setoff or counterclaim ~~after the expiration of a period of two~~
~~44 4 years, exclusive of any time during which execution on the~~
~~44 5 judgment was stayed pending a bankruptcy action, from the~~
~~44 6 entry thereof.~~

~~44 7 a. An action for the foreclosure of a real estate~~
~~44 8 mortgage, deed of trust, or real estate contract upon property~~
~~44 9 which at the time of judgment is either used for an~~
~~44 10 agricultural purpose as defined in section 535.13 or as a~~
~~44 11 one-family or two-family dwelling which is the residence of~~
~~44 12 the mortgagor.~~

~~44 13 b. An action on a claim for rent.~~

44 14 2. As used in this section, "mortgagor" means a mortgagor
44 15 or a borrower executing a deed of trust as provided in chapter
44 16 654 or a vendee of a real estate contract.

44 17 Sec. 67. Section 622.10, subsection 6, Code Supplement
44 18 2007, is amended to read as follows:

~~44 19 6. A qualified school guidance counselor, who has met the~~
~~44 20 certification and accreditation standards of the department of~~
~~44 21 education as provided in section 256.11, subsection 10, is~~
~~44 22 licensed by the board of educational examiners under chapter~~
~~44 23 272 and who obtains information by reason of the counselor's~~
44 24 employment as a qualified school guidance counselor, shall not
44 25 be allowed, in giving testimony, to disclose any confidential
44 26 communications properly entrusted to the counselor by a pupil

44 27 or the pupil's parent or guardian in the counselor's capacity
44 28 as a qualified school guidance counselor and necessary and
44 29 proper to enable the counselor to perform the counselor's
44 30 duties as a qualified school guidance counselor.

44 31 Sec. 68. Section 633.113, Code 2007, is amended to read as
44 32 follows:

44 33 633.113 COMMITMENT.

44 34 If, upon being served with an order of the court requiring
44 35 appearance for interrogation, as provided in ~~the preceding~~
45 1 ~~sections hereof~~ section 633.112, any person fails to appear in
45 2 accordance therewith, or if, having appeared, the person
45 3 refuses to answer any question which the court thinks proper
45 4 to be put to the person in the course of such examination, or
45 5 if the person fails to comply with the order of the court
45 6 requiring the delivery of the property to the fiduciary, the
45 7 person may be committed to the jail of the county until the
45 8 person does.

45 9 Sec. 69. Section 715A.2A, subsection 2, Code 2007, is
45 10 amended to read as follows:

45 11 2. An employer who establishes that it has complied in
45 12 good faith with the requirements of 8 U.S.C. } ~~1324(b)~~
45 13 1324a(b) with respect to the hiring or continued employment of
45 14 an alien in the United States has established an affirmative
45 15 defense that the employer has not violated this section.

45 16 Sec. 70. Sections 15.221, 15.222, 15.223, 15.224, and
45 17 15.225, Code 2007, are repealed.

45 18 Sec. 71. Section 327B.6, Code Supplement 2007, is
45 19 repealed.

45 20 DIVISION II

45 21 VOLUME I RENUMBERING

45 22 Sec. 72. Section 2.14, subsections 1 and 3, Code 2007, are
45 23 amended to read as follows:

45 24 1. a. A standing committee of either house or a
45 25 subcommittee when authorized by the chairperson of the
45 26 standing committee, may meet when the general assembly is not
45 27 in session in the manner provided in this section and upon
45 28 call pursuant to the rules of the house or senate. In case of
45 29 vacancy in the chair or in the chairperson's absence, the
45 30 ranking member shall act as chairperson.

45 31 b. A standing committee or subcommittee may act on bills
45 32 and resolutions in the interim between the first and second
45 33 regular sessions of a general assembly. A standing committee
45 34 may also study and draft proposed committee bills. However,
45 35 unless the subject matter of a study or proposed committee
46 1 bill has been assigned to a standing committee for study by
46 2 the general assembly or legislative council, the services of
46 3 the legislative services agency cannot be utilized.

46 4 c. The date, time, and place of any meeting of a standing
46 5 committee shall, by the person or persons calling the meeting,
46 6 be reported to and be available to the public in the office of
46 7 the director of the legislative services agency at least five
46 8 days prior to the meeting.

46 9 d. A standing committee may hold public hearings and
46 10 receive testimony upon any subject matter within its
46 11 jurisdiction.

46 12 3. Interim studies utilizing the services of the
46 13 legislative services agency must be authorized by the general
46 14 assembly or the legislative council. ~~A standing committee may~~
46 15 ~~also study and draft proposed committee bills. However,~~
46 16 ~~unless the subject matter of a study or proposed committee~~
46 17 ~~bill has been assigned to a standing committee for study by~~
46 18 ~~the general assembly or legislative council, the services of~~
46 19 ~~the legislative services agency cannot be utilized.~~

46 20 a. Nonlegislative members shall not serve upon any study
46 21 committee, unless approved by the legislative council. ~~A~~
46 22 ~~standing committee may hold public hearings and receive~~
46 23 ~~testimony upon any subject matter within its jurisdiction.~~

46 24 b. Nonlegislative members of study committees shall be
46 25 paid their necessary travel and actual expenses incurred in
46 26 attending committee or subcommittee meetings for the purposes
46 27 of the study.

46 28 Sec. 73. Section 2.32, Code 2007, is amended to read as
46 29 follows:

46 30 2.32 CONFIRMATION OF APPOINTMENTS == PROCEDURES.

46 31 1. The governor shall either make an appointment or file a
46 32 notice of deferred appointment by March 15 for the following
46 33 appointments which are subject to confirmation by the senate:

46 34 a. An appointment to fill a term beginning on May 1 of
46 35 that year.

47 1 b. An appointment to fill a vacancy, other than as
47 2 provided for in paragraph "d," existing prior to the convening

47 3 of the general assembly in regular session in that year.

47 4 c. An appointment to fill a vacancy, other than as
47 5 provided for in paragraph "d," which is known, prior to the
47 6 convening of the general assembly in regular session, will
47 7 occur before May 1 of that year.

47 8 d. An appointment to fill a vacancy existing in a
47 9 full-time compensated position on December 15 prior to the
47 10 convening of the general assembly.

47 11 2. The governor shall file by February 1 with the
47 12 secretary of the senate a list of all the appointment
47 13 positions requiring gubernatorial action pursuant to
47 14 subsection 1. The secretary of the senate shall provide the
47 15 governor a written acknowledgment of the list within five days
47 16 of its receipt. The senate shall approve the list or request
47 17 corrections by resolution by February 15.

47 18 3. The governor shall submit all appointments requiring
47 19 confirmation by the senate and notices of deferred appointment
47 20 to the secretary of the senate who shall provide the
47 21 governor's office with receipts of submission. Each notice of
47 22 appointment shall be accompanied by a statement of the
47 23 appointee's political affiliation. The notice of a deferred
47 24 appointment shall be filed by the governor with the secretary
47 25 of the senate and accompanied by a statement of reasons for
47 26 the deferral.

47 27 4. A gubernatorial appointee, whose appointment is subject
47 28 to confirmation by the senate and who serves at the pleasure
47 29 of the governor, is subject to reconfirmation by the senate
47 30 during the regular session of the general assembly convening
47 31 in January if the appointee will complete the appointee's
47 32 fourth year in office on or before the following April 30.
47 33 For the purposes of this section, the submission of an
47 34 appointee for reconfirmation is deemed the same as the
47 35 submission of an appointee for confirmation and the procedures
48 1 of this section regarding confirmation and the consequences of
48 2 refusal to confirm are the same for reconfirmation.

48 3 5. If an appointment subject to senate confirmation is
48 4 required by statute to be made by an appointing authority
48 5 other than the governor, the duties assigned under this
48 6 section to the governor shall be performed by the appointing
48 7 authority.

48 8 6. If a vacancy in a position requiring confirmation
48 9 by the senate, other than a full-time compensated position,
48 10 occurs after the convening of the general assembly in regular
48 11 session, the governor shall, within sixty calendar days after
48 12 the vacancy occurs, either make an appointment or file a
48 13 notice of deferred appointment unless the general assembly has
48 14 adjourned its regular session before the sixty-day period
48 15 expires. If a vacancy in a full-time compensated position
48 16 requiring senate confirmation occurs after December 15, the
48 17 governor shall, within ninety calendar days after the vacancy
48 18 occurs, make an appointment or file a notice of deferred
48 19 appointment unless the general assembly has adjourned its
48 20 regular session before the ninety-day period expires.

48 21 7. If an appointment is submitted pursuant to
48 22 subsection 1, the senate shall by April 15 of that year either
48 23 approve, disapprove, or by resolution defer consideration of
48 24 confirmation of the appointment. If an appointment is
48 25 submitted pursuant to subsection 2 6, the senate shall either
48 26 approve, disapprove, or by resolution defer consideration of
48 27 confirmation of the appointment within thirty days after
48 28 receiving the appointment from the governor. The senate may
48 29 defer consideration of an appointment until a later time
48 30 during that session, but the senate shall not adjourn that
48 31 session until all appointments submitted pursuant to this
48 32 section before the last thirty days of the session are
48 33 approved or disapproved. If a nomination is submitted during
48 34 the last thirty days of the session, the senate may by
48 35 resolution defer consideration of the appointment until the
49 1 next regular session of the general assembly and the
49 2 nomination shall be considered as though made during the
49 3 legislative interim.

49 4 Sixty days after a person's appointment has been
49 5 disapproved by the senate, that person shall not serve in that
49 6 position as an interim appointment or by holding over in
49 7 office and the governor shall submit another appointment or
49 8 file a notice of deferred appointment before the sixty-day
49 9 period expires.

49 10 4. The governor shall submit all appointments requiring
49 11 confirmation by the senate and notices of deferred appointment
49 12 to the secretary of the senate who shall provide the
49 13 governor's office with receipts of submission. Each notice of

~~49 14 appointment shall be accompanied by a statement of the~~
~~49 15 appointee's political affiliation. The notice of a deferred~~
~~49 16 appointment shall be filed by the governor with the secretary~~
~~49 17 of the senate and accompanied by a statement of reasons for~~
~~49 18 the deferral.~~

~~49 19 5. 8. The confirmation of every appointment submitted to~~
~~49 20 the senate requires the approval of two-thirds of the members~~
~~49 21 of the senate. The senate shall adopt rules governing the~~
~~49 22 referral of appointments to committees, the reports of~~
~~49 23 committees on appointments, and the confirmation of~~
~~49 24 appointments by the senate.~~

~~49 25 6. The confirmation of every appointment submitted to the~~
~~49 26 senate requires the approval of two-thirds of the members of~~
~~49 27 the senate.~~

~~49 28 9. A person whose appointment is subject to senate~~
~~49 29 confirmation shall make available to the senate committee to~~
~~49 30 which the appointment is referred, upon the committee's~~
~~49 31 request, a notarized statement that the person has filed~~
~~49 32 federal and state income tax returns for the three years~~
~~49 33 immediately preceding the appointment, or a notarized~~
~~49 34 statement of the legal reason for failure to file. If the~~
~~49 35 appointment is to a board, commission, council, or other body~~
~~50 1 empowered to take disciplinary action, all complaints and~~
~~50 2 statements of charges, settlement agreements, findings of~~
~~50 3 fact, and orders pertaining to any disciplinary action taken~~
~~50 4 by that board, commission, council, or body in a contested~~
~~50 5 case against the person whose appointment is being reviewed by~~
~~50 6 the senate shall be made available to the senate committee to~~
~~50 7 which the appointment is referred upon its request.~~

~~50 8 10. All tax records, complaint files, investigation files,~~
~~50 9 other investigation reports, and other investigative~~
~~50 10 information in the possession of the committee which relate to~~
~~50 11 appointee tax filings or complaints and statements of charges,~~
~~50 12 settlement agreements, findings of fact, and orders from any~~
~~50 13 past disciplinary action in a contested case against the~~
~~50 14 appointee are privileged and confidential and they are not~~
~~50 15 subject to discovery, subpoena, or other means of legal~~
~~50 16 compulsion for their release to a person other than the~~
~~50 17 appointee unless otherwise provided by law.~~

~~50 18 7. The governor shall file by February 1 with the~~
~~50 19 secretary of the senate a list of all the appointment~~
~~50 20 positions requiring gubernatorial action pursuant to~~
~~50 21 subsection 1. The secretary of the senate shall provide the~~
~~50 22 governor a written acknowledgment of the list within five days~~
~~50 23 of its receipt. The senate shall approve the list or request~~
~~50 24 corrections by resolution by February 15.~~

~~50 25 8. A gubernatorial appointee, whose appointment is subject~~
~~50 26 to confirmation by the senate and who serves at the pleasure~~
~~50 27 of the governor, is subject to reconfirmation by the senate~~
~~50 28 during the regular session of the general assembly convening~~
~~50 29 in January if the appointee will complete the appointee's~~
~~50 30 fourth year in office on or before the following April 30.~~
~~50 31 For the purposes of this section, the submission of an~~
~~50 32 appointee for reconfirmation is deemed the same as the~~
~~50 33 submission of an appointee for confirmation and the procedures~~
~~50 34 of this section regarding confirmation and the consequences of~~
~~50 35 refusal to confirm are the same for reconfirmation.~~

~~51 1 9. If an appointment subject to senate confirmation is~~
~~51 2 required by statute to be made by an appointing authority~~
~~51 3 other than the governor, the duties assigned under this~~
~~51 4 section to the governor shall be performed by the appointing~~
~~51 5 authority.~~

~~51 6 11. Sixty days after a person's appointment has been~~
~~51 7 disapproved by the senate, that person shall not serve in that~~
~~51 8 position as an interim appointment or by holding over in~~
~~51 9 office and the governor shall submit another appointment or~~
~~51 10 file a notice of deferred appointment before the sixty-day~~
~~51 11 period expires.~~

~~51 12 Sec. 74. Section 8.3A, Code 2007, is amended to read as~~
~~51 13 follows:~~

~~51 14 8.3A CAPITAL PROJECT PLANNING AND BUDGETING == GOVERNOR'S~~
~~51 15 DUTIES.~~

~~51 16 1. DEFINITIONS. For the purposes of this section:~~

~~51 17 a. "Capital project" does not include highway and~~
~~51 18 right-of-way projects or airport capital projects undertaken~~
~~51 19 by the state department of transportation and financed from~~
~~51 20 dedicated funds or capital projects funded by nonstate grants,~~
~~51 21 gifts, or contracts obtained at or through state universities,~~
~~51 22 if the projects do not require a commitment of additional~~
~~51 23 state resources for maintenance, operations, or staffing.~~

~~51 24 A capital project shall not be divided into smaller~~

~~51 25 projects in such a manner as to thwart the intent of this~~
~~51 26 section to provide for the evaluation of a capital project~~
~~51 27 whose cost cumulatively equals or exceeds two hundred fifty~~
~~51 28 thousand dollars.~~

51 29 b. "Facility" means a distinct parcel of land or a
51 30 building used by the state or a state agency for a specific
51 31 purpose.

51 32 c. "State agency" means any executive, judicial, or
51 33 legislative department, commission, board, institution,
51 34 division, bureau, office, agency, or other entity of state
51 35 government.

52 1 2. DUTIES. The governor shall:

52 2 a. Develop criteria for the evaluation of proposed capital
52 3 projects which shall include but not be limited to the
52 4 following:

52 5 (1) Fiscal impacts on costs and revenues.
52 6 (2) Health and safety effects.
52 7 (3) Community economic effects.
52 8 (4) Environmental, aesthetic, and social effects.
52 9 (5) Amount of disruption and inconvenience caused by the
52 10 capital project.

52 11 (6) Distributional effects.

52 12 (7) Feasibility, including public support and project
52 13 readiness.

52 14 (8) Implications of deferring the project.

52 15 (9) Amount of uncertainty and risk.

52 16 (10) Effects on interjurisdictional relationships.

52 17 (11) Advantages accruing from relationships to other
52 18 capital project proposals.

52 19 (12) Private sector contracting for construction,
52 20 operation, or maintenance.

52 21 b. Make recommendations to the general assembly and the
52 22 legislative capital projects committee regarding the funding
52 23 and priorities of proposed capital projects.

52 24 c. Develop maintenance standards and guidelines for
52 25 capital projects.

52 26 d. Review financing alternatives available to fund capital
52 27 projects, including the evaluation of the advantages and
52 28 disadvantages of bonding for all types of capital projects
52 29 undertaken by all state agencies.

52 30 e. Monitor the debt of the state or a state agency.

52 31 3. DIVISION OF PROJECT RESTRICTED. A capital project

52 32 shall not be divided into smaller projects in such a manner as
52 33 to thwart the intent of this section to provide for the
52 34 evaluation of a capital project whose cost cumulatively equals
52 35 or exceeds two hundred fifty thousand dollars.

53 1 Sec. 75. Section 8A.204, subsection 3, paragraph g,
53 2 subparagraph (4), Code Supplement 2007, is amended to read as
53 3 follows:

53 4 (4) Review and approval of all concept papers and
53 5 documentation related to requests for proposals for all
53 6 information technology devices, hardware acquisition,
53 7 information technology services, software development
53 8 projects, and information technology outsourcing for agencies
53 9 that exceed the greater of a total cost of fifty thousand
53 10 dollars or a total involvement of seven hundred fifty agency
53 11 staff hours- as follows:

53 12 (a) The review and approval of concept papers and
53 13 documentation as provided in this subparagraph shall occur
53 14 prior to the issuance of the related request for proposals.

53 15 (b) Notwithstanding section 21.5, subsection 1, the board,
53 16 by vote of at least six members, may hold a closed session to
53 17 review and discuss concept papers and documentation related to
53 18 a request for proposals if the board determines that the
53 19 public disclosure of such discussion prior to the issuance of
53 20 the request for proposals may disadvantage any potential
53 21 vendors.

53 22 (c) The board shall keep detailed minutes of all
53 23 discussion, persons present, and action occurring at a closed
53 24 session, and shall also tape record all of the closed session.
53 25 The minutes and the tape recording of a session closed under
53 26 this subparagraph shall be made available for public
53 27 examination when a final decision is made regarding whether to
53 28 issue the request for proposals.

53 29 (d) All board actions and decisions regarding this
53 30 information shall be made in open session and appropriately
53 31 recorded.

53 32 Sec. 76. Section 8A.324, Code 2007, is amended to read as
53 33 follows:

53 34 8A.324 DISPOSAL OF PERSONAL PROPERTY.

53 35 1. The director may dispose of personal property of the

54 1 state under the director's control by any of the following
54 2 means:
54 3 1- a. The director may dispose of unfit or unnecessary
54 4 personal property by sale. Proceeds from the sale of personal
54 5 property shall be deposited in the general fund of the state.
54 6 2- b. If the director concludes that the personal
54 7 property has little or no value, the director may enter into
54 8 an agreement with a not-for-profit organization or
54 9 governmental agency to dispose of the personal property. The
54 10 not-for-profit organization or governmental agency may charge
54 11 the state agency in control of the property with the cost of
54 12 removing and transporting the property. Title to the personal
54 13 property shall transfer when the personal property is in the
54 14 possession of the not-for-profit organization or governmental
54 15 agency. If a governmental agency adds value to the property
54 16 transferred to it and sells it, the proceeds from the sale
54 17 shall be deposited with the governmental agency and not in the
54 18 general fund of the state.

54 19 A not-for-profit organization or governmental agency that
54 20 enters into an agreement with the director pursuant to this
54 21 subsection may sell or otherwise transfer the personal
54 22 property received from the department to any person that the
54 23 department would be able to sell or otherwise transfer such
54 24 property to under this chapter, including, but not limited to,
54 25 the general public. The authority granted to sell or
54 26 otherwise transfer personal property pursuant to this
54 27 paragraph supersedes any other restrictions applicable to the
54 28 not-for-profit organization or governmental agency, but only
54 29 for purposes of the personal property received from the
54 30 department.

54 31 3- c. The director may dispose of presses, printing
54 32 equipment, printing supplies, and other machinery or equipment
54 33 used in the printing operation.

54 34 2. A not-for-profit organization or governmental agency
54 35 that enters into an agreement with the director pursuant to
55 1 subsection 1 may charge the state agency in control of the
55 2 property with the cost of removing and transporting the
55 3 property. Title to the personal property shall transfer when
55 4 the personal property is in the possession of the
55 5 not-for-profit organization or governmental agency. If a
55 6 governmental agency adds value to the property transferred to
55 7 it and sells it, the proceeds from the sale shall be deposited
55 8 with the governmental agency and not in the general fund of
55 9 the state. The not-for-profit organization or governmental
55 10 agency may sell or otherwise transfer the personal property
55 11 received from the department to any person that the department
55 12 would be able to sell or otherwise transfer such property to
55 13 under this chapter, including but not limited to the general
55 14 public. The authority granted to sell or otherwise transfer
55 15 personal property pursuant to this subsection supersedes any
55 16 other restrictions applicable to the not-for-profit
55 17 organization or governmental agency, but only for purposes of
55 18 the personal property received from the department.

55 19 Sec. 77. Section 8A.413, Code 2007, is amended to read as
55 20 follows:

55 21 8A.413 STATE HUMAN RESOURCE MANAGEMENT == RULES.

55 22 The department shall adopt rules for the administration of
55 23 this subchapter pursuant to chapter 17A. Rulemaking shall be
55 24 carried out with due regard to the terms of collective
55 25 bargaining agreements. A rule shall not supersede a provision
55 26 of a collective bargaining agreement negotiated under chapter
55 27 20. Notwithstanding any provisions to the contrary, a rule or
55 28 regulation shall not be adopted by the department which would
55 29 deprive the state of Iowa, or any of its agencies or
55 30 institutions, of federal grants or other forms of financial
55 31 assistance. The rules shall provide:

55 32 1. For the preparation, maintenance, and revision of a job
55 33 classification plan that encompasses each job in the executive
55 34 branch, excluding job classifications under the state board of
55 35 regents, based upon assigned duties and responsibilities, so
56 1 that the same general qualifications may reasonably be
56 2 required for and the same pay plan may be equitably applied to
56 3 all jobs in the same job classification. The director shall
56 4 classify the position of every employee in the executive
56 5 branch, excluding employees of the state board of regents,
56 6 into one of the classes in the plan. An appointing authority
56 7 or employee adversely affected by a classification or
56 8 reclassification decision may file an appeal with the
56 9 director. Appeals of a classification or reclassification
56 10 decision shall be exempt from the provisions of section 17A.11
56 11 and shall be heard by a committee appointed by the director.

56 12 The classification or reclassification of a position that
56 13 would cause the expenditure of additional salary funds shall
56 14 not become effective if the expenditure of funds would be in
56 15 excess of the total amount budgeted for the department of the
56 16 appointing authority until budgetary approval has been
56 17 obtained from the director of the department of management.

56 18 ~~2. When For notification of the governor when~~ the public
56 19 interest requires a decrease or increase of employees in any
56 20 position or type of employment not otherwise provided by law,
56 21 or the creation or abolishment of any position or type of
56 22 employment, as determined by the director, acting in good
56 23 faith, ~~shall so notify the governor~~. Thereafter, the position
56 24 or type of employment shall stand abolished or created and the
56 25 number of employees therein reduced or increased.

56 26 ~~2. 3.~~ For pay plans covering all employees in the
56 27 executive branch, excluding employees of the state board of
56 28 regents, after consultation with the governor and appointing
56 29 authorities, and consistent with the terms of collective
56 30 bargaining agreements negotiated under chapter 20.

56 31 ~~3. 4.~~ For examinations to determine the relative fitness
56 32 of applicants for employment.

56 33 a. Such examinations shall be practical in character and
56 34 shall relate to such matters as will fairly assess the ability
56 35 of the applicant to discharge the duties of the position to
57 1 which appointment is sought.

57 2 b. Where the Code of Iowa establishes certification,
57 3 registration, or licensing provisions, such documents shall be
57 4 considered prima facie evidence of basic skills accomplishment
57 5 and such persons shall be exempt from further basic skills
57 6 examination.

57 7 ~~5. Vacancies shall be announced publicly For the public~~
57 8 ~~announcement of vacancies~~ at least ten days in advance of the
57 9 date fixed for the filing of applications for the vacancies,
57 10 and ~~shall be advertised the advertisement of the vacancies~~
57 11 through the communications media. The director may, however,
57 12 in the director's discretion, continue to receive applications
57 13 and examine candidates for a period adequate to assure a
57 14 sufficient number of eligibles to meet the needs of the
57 15 system, and may add the names of successful candidates to
57 16 existing eligible lists.

57 17 ~~4. 6.~~ For promotions which shall give appropriate
57 18 consideration to the applicant's qualifications, record of
57 19 performance, and conduct. A promotion means a change in the
57 20 status of an employee from a position in one class to a
57 21 position in another class having a higher pay grade.

57 22 ~~5. 7.~~ For the establishment of lists for appointment and
57 23 promotion, upon which lists shall be placed the names of
57 24 successful candidates.

57 25 ~~6. 8.~~ For the rejection of applicants who fail to meet
57 26 reasonable requirements.

57 27 ~~7. 9.~~ For the appointment by the appointing authority of
57 28 a person on the appropriate list to fill a vacancy.

57 29 ~~8. 10.~~ For a probation period of six months, excluding
57 30 educational or training leave, before appointment may be made
57 31 complete, and during which period a probationer may be
57 32 discharged or reduced in class or pay. If the employee's
57 33 services are unsatisfactory, the employee shall be dropped
57 34 from the payroll on or before the expiration of the probation
57 35 period. If satisfactory, the appointment shall be deemed
58 1 permanent. The determination of the appointing authority
58 2 shall be final and conclusive.

58 3 ~~9. 11.~~ For temporary employment for not more than seven
58 4 hundred eighty hours in a fiscal year.

58 5 ~~10. 12.~~ For provisional employment when there is no
58 6 appropriate list available. Such provisional employment shall
58 7 not continue longer than one hundred eighty calendar days.

58 8 ~~11. 13.~~ For transfer from a position in one state agency
58 9 to a similar position in the same state agency or another
58 10 state agency involving similar qualifications, duties,
58 11 responsibilities, and salary ranges. Whenever an employee
58 12 transfers or is transferred from one state agency to another
58 13 state agency, the employee's seniority rights, any accumulated
58 14 sick leave, and accumulated vacation time, as provided in the
58 15 law, shall be transferred to the new place of employment and
58 16 credited to the employee. Employees who are subject to
58 17 contracts negotiated under chapter 20 which include transfer
58 18 provisions shall be governed by the contract provisions.

58 19 ~~12. 14.~~ For reinstatement of persons who have attained
58 20 permanent status and who resign in good standing or who are
58 21 laid off from their positions without fault or delinquency on
58 22 their part.

58 23 ~~13-~~ 15. For establishing in cooperation with the
58 24 appointing authorities a performance management system for all
58 25 employees in the executive branch, excluding employees of the
58 26 state board of regents, which shall be considered in
58 27 determining salary increases; as a factor in promotions; as a
58 28 factor in determining the order of layoffs and in
58 29 reinstatement; as a factor in demotions, discharges, and
58 30 transfers; and for the regular evaluation, at least annually,
58 31 of the qualifications and performance of those employees.
58 32 ~~14-~~ 16. For layoffs by reason of lack of funds or work,
58 33 or reorganization, and for the recall of employees so laid
58 34 off, giving consideration in layoffs to the employee's
58 35 performance record and length of service. An employee who has
59 1 been laid off may be on a recall list for one year, which list
59 2 shall be exhausted by the organizational unit enforcing the
59 3 layoff before selection of an employee may be made from the
59 4 promotional or nonpromotional list in the employee's
59 5 classification. Employees who are subject to contracts
59 6 negotiated under chapter 20 which include layoff and recall
59 7 provisions shall be governed by the contract provisions.
59 8 ~~15-~~ 17. For imposition, as a disciplinary measure, of a
59 9 suspension from service without pay.
59 10 ~~16-~~ 18. a. For discharge, suspension, or reduction in
59 11 job classification or pay grade for any of the following
59 12 causes:
59 13 (1) Failure to perform assigned duties+
59 14 ~~inadequacy.~~
59 15 (2) Inadequacy in performing assigned duties+ ~~negligence+~~
59 16 ~~inefficiency; incompetence; insubordination; unrehabilitated.~~
59 17 (3) Negligence.
59 18 (4) Inefficiency.
59 19 (5) Incompetence.
59 20 (6) Insubordination.
59 21 (7) Unrehabilitated alcoholism or narcotics addiction+
59 22 ~~dishonesty; unlawful.~~
59 23 (8) Dishonesty.
59 24 (9) Unlawful discrimination+ ~~failure.~~
59 25 (10) Failure to maintain a license, certificate, or
59 26 qualification necessary for a job classification or position+
59 27 ~~any.~~
59 28 (11) Any act or conduct which adversely affects the
59 29 employee's performance or the employing agency+ ~~or any.~~
59 30 (12) Any other good cause for discharge, suspension, or
59 31 reduction.
59 32 b. The person discharged, suspended, or reduced shall be
59 33 given a written statement of the reasons for the discharge,
59 34 suspension, or reduction within twenty-four hours after the
59 35 discharge, suspension, or reduction.
60 1 c. All persons concerned with the administration of this
60 2 subchapter shall use their best efforts to ensure that this
60 3 subchapter and the rules adopted pursuant to this subchapter
60 4 shall not be a means of protecting or retaining unqualified or
60 5 unsatisfactory employees, and shall discharge, suspend, or
60 6 reduce in job classification or pay grade all employees who
60 7 should be discharged, suspended, or reduced for any of the
60 8 causes stated in this subsection.
60 9 ~~17-~~ 19. For establishment of a uniform plan for resolving
60 10 employee grievances and complaints. Employees who are subject
60 11 to contracts negotiated under chapter 20 which include
60 12 grievance and complaint provisions shall be governed by the
60 13 contract provisions.
60 14 ~~18-~~ 20. For attendance regulations, and special leaves of
60 15 absence, with or without pay, or reduced pay, in the various
60 16 classes of positions in the executive branch, excluding
60 17 positions under the state board of regents.
60 18 a. Employees who are subject to contracts negotiated under
60 19 chapter 20 which include leave of absence provisions shall be
60 20 governed by the contract provisions.
60 21 b. Annual sick leave and vacation time shall be granted in
60 22 accordance with section 70A.1.
60 23 ~~19-~~ 21. For the development and operation of programs to
60 24 improve the work effectiveness and morale of employees in the
60 25 executive branch, excluding employees of the state board of
60 26 regents, including training, safety, health, welfare,
60 27 counseling, recreation, and employee relations.
60 28 ~~20. Notwithstanding any provisions to the contrary, a rule~~
60 29 ~~or regulation shall not be adopted by the department which~~
60 30 ~~would deprive the state of Iowa, or any of its agencies or~~
60 31 ~~institutions, of federal grants or other forms of financial~~
60 32 ~~assistance.~~
60 33 ~~21-~~ 22. For veterans preference through a provision that

60 34 veterans, as defined in section 35.1, shall have five points
60 35 added to the grade or score attained in qualifying
61 1 examinations for appointment to jobs.
61 2 a. Veterans who have a service-connected disability or are
61 3 receiving compensation, disability benefits, or pension under
61 4 laws administered by the veterans administration shall have
61 5 ten points added to the grades attained in qualifying
61 6 examinations.

61 7 b. A veteran who has been awarded the purple heart for
61 8 disabilities incurred in action shall be considered to have a
61 9 service-connected disability.

61 10 ~~22.~~ 23. For acceptance of the qualifications,
61 11 requirements, regulations, and general provisions established
61 12 under other sections of the Code pertaining to professional
61 13 registration, certification, and licensing.

61 14 Sec. 78. Section 8D.3, subsections 1 and 2, Code
61 15 Supplement 2007, are amended to read as follows:

61 16 1. COMMISSION ESTABLISHED. A telecommunications and
61 17 technology commission is established with the sole authority
61 18 to supervise the management, development, and operation of the
61 19 network and ensure that all components of the network are
61 20 technically compatible. The management, development, and
61 21 operation of the network shall not be subject to the
61 22 jurisdiction or control of any other state agency. However,
61 23 the commission is subject to the general operations practices
61 24 and procedures which are generally applicable to other state
61 25 agencies.

61 26 a. The commission shall ensure that the network operates
61 27 in an efficient and responsible manner consistent with the
61 28 provisions of this chapter for the purpose of providing the
61 29 best economic service attainable to the network users
61 30 consistent with the state's financial capacity.

61 31 b. The commission shall ensure that educational users and
61 32 the use, design, and implementation for educational
61 33 applications be given the highest priority concerning use of
61 34 the network.

61 35 c. The commission shall provide for the centralized,
62 1 coordinated use and control of the network.

62 2 2. MEMBERS. The commission is composed of five members
62 3 appointed by the governor and subject to confirmation by the
62 4 senate. Members of the commission shall not serve in any
62 5 manner or be employed by an authorized user of the network or
62 6 by an entity seeking to do or doing business with the network.

62 7 a. The governor shall appoint a member as the chairperson
62 8 of the commission from the five members appointed by the
62 9 governor, subject to confirmation by the senate.

62 10 b. Members of the commission shall serve six-year
62 11 staggered terms as designated by the governor and appointments
62 12 to the commission are subject to the requirements of sections
62 13 69.16, 69.16A, and 69.19. Vacancies shall be filled by the
62 14 governor for the duration of the unexpired term.

62 15 c. The salary of the members of the commission shall be
62 16 twelve thousand dollars per year, except that the salary of
62 17 the chairperson shall be seventeen thousand dollars per year.
62 18 Members of the commission shall also be reimbursed for all
62 19 actual and necessary expenses incurred in the performance of
62 20 duties as members. The benefits and salary paid to the

62 21 members of the commission shall be adjusted annually equal to
62 22 the average of the annual pay adjustments, expense
62 23 reimbursements, and related benefits provided under collective
62 24 bargaining agreements negotiated pursuant to chapter 20.

62 25 d. Meetings of the commission shall be held at the call of
62 26 the chairperson of the commission. In addition to the members
62 27 appointed by the governor, the auditor of state or the
62 28 auditor's designee shall serve as a nonvoting, ex officio
62 29 member of the commission.

~~62 30 The benefits and salary paid to the members of the~~
~~62 31 commission shall be adjusted annually equal to the average of~~
~~62 32 the annual pay adjustments, expense reimbursements, and~~
~~62 33 related benefits provided under collective bargaining~~
~~62 34 agreements negotiated pursuant to chapter 20.~~

62 35 Sec. 79. Section 15.331A, Code 2007, is amended to read as
63 1 follows:

63 2 15.331A SALES AND USE TAX REFUND.

63 3 1. The eligible business shall be entitled to a refund of
63 4 the sales and use taxes paid under chapter 423 for gas,
63 5 electricity, water, or sewer utility services, goods, wares,
63 6 or merchandise, or on services rendered, furnished, or
63 7 performed to or for a contractor or subcontractor and used in
63 8 the fulfillment of a written contract relating to the
63 9 construction or equipping of a facility of the eligible

63 10 business. Taxes attributable to intangible property and
63 11 furniture and furnishings shall not be refunded. However, an
63 12 eligible business shall be entitled to a refund for taxes
63 13 attributable to racks, shelving, and conveyor equipment to be
63 14 used in a warehouse or distribution center subject to section
63 15 15.331C.

63 16 2. To receive the refund a claim shall be filed by the
63 17 eligible business with the department of revenue as follows:
63 18 1- a. The contractor or subcontractor shall state under
63 19 oath, on forms provided by the department, the amount of the
63 20 sales of goods, wares, or merchandise or services rendered,
63 21 furnished, or performed including water, sewer, gas, and
63 22 electric utility services upon which sales or use tax has been
63 23 paid prior to the project completion, and shall file the forms
63 24 with the eligible business before final settlement is made.

63 25 2- b. The eligible business shall, not more than one year
63 26 after project completion, make application to the department
63 27 for any refund of the amount of the sales and use taxes paid
63 28 pursuant to chapter 423 upon any goods, wares, or merchandise,
63 29 or services rendered, furnished, or performed, including
63 30 water, sewer, gas, and electric utility services. The
63 31 application shall be made in the manner and upon forms to be
63 32 provided by the department, and the department shall audit the
63 33 claim and, if approved, issue a warrant to the eligible
63 34 business in the amount of the sales or use tax which has been
63 35 paid to the state of Iowa under a contract. A claim filed by
64 1 the eligible business in accordance with this section shall
64 2 not be denied by reason of a limitation provision set forth in
64 3 chapter 421 or 423.

64 4 3. A contractor or subcontractor who willfully makes a
64 5 false report of tax paid under the provisions of this section
64 6 is guilty of a simple misdemeanor and in addition is liable
64 7 for the payment of the tax and any applicable penalty and
64 8 interest.

64 9 Sec. 80. Section 17A.4, Code 2007, is amended to read as
64 10 follows:

64 11 17A.4 PROCEDURE FOR ADOPTION OF RULES.

64 12 1. Prior to the adoption, amendment, or repeal of any rule
64 13 an agency shall:

64 14 a. Give notice of its intended action by submitting the
64 15 notice to the administrative rules coordinator and the
64 16 administrative code editor. The administrative rules
64 17 coordinator shall assign an ARC number to each rulemaking
64 18 document. The administrative code editor shall publish each
64 19 notice meeting the requirements of this chapter in the Iowa
64 20 administrative bulletin created pursuant to section 17A.6.
64 21 Any notice of intended action shall be published at least
64 22 thirty-five days in advance of the action. The notice shall
64 23 include a statement of either the terms or substance of the
64 24 intended action or a description of the subjects and issues
64 25 involved, and the time when, the place where, and the manner
64 26 in which interested persons may present their views.

64 27 b. Afford all interested persons not less than twenty days
64 28 to submit data, views, or arguments in writing. If timely
64 29 requested in writing by twenty-five interested persons, by a
64 30 governmental subdivision, by the administrative rules review
64 31 committee, by an agency, or by an association having not less
64 32 than twenty-five members, the agency must give interested
64 33 persons an opportunity to make oral presentation. The
64 34 opportunity for oral presentation must be held at least twenty
64 35 days after publication of the notice of its time and place in
65 1 the Iowa administrative bulletin. The agency shall consider
65 2 fully all written and oral submissions respecting the proposed
65 3 rule. Within one hundred eighty days following either the
65 4 notice published according to the provisions of paragraph "a"
65 5 or within one hundred eighty days after the last date of the
65 6 oral presentations on the proposed rule, whichever is later,
65 7 the agency shall adopt a rule pursuant to the rulemaking
65 8 proceeding or shall terminate the proceeding by publishing
65 9 notice of termination in the Iowa administrative bulletin.

~~65 10 An agency shall include in a preamble to each rule it~~
~~65 11 adopts a brief explanation of the principal reasons for its~~
~~65 12 action and, if applicable, a brief explanation of the~~
~~65 13 principal reasons for its failure to provide in that rule for~~
~~65 14 the waiver of the rule in specified situations if no such~~
~~65 15 waiver provision is included in the rule. This explanatory~~
~~65 16 requirement does not apply when the agency adopts a rule that~~
~~65 17 only defines the meaning of a provision of law if the agency~~
~~65 18 does not possess delegated authority to bind the courts to any~~
~~65 19 extent with its definition. In addition, if requested to do~~
~~65 20 so by an interested person, either prior to adoption or within~~

~~65 21 thirty days thereafter, the agency shall issue a concise~~
~~65 22 statement of the principal reasons for and against the rule~~
~~65 23 adopted, incorporating therein the reasons for overruling~~
~~65 24 considerations urged against the rule. This concise statement~~
~~65 25 shall be issued either at the time of the adoption of the rule~~
~~65 26 or within thirty-five days after the agency receives the~~
~~65 27 request.~~

65 28 c. Mail the number of copies of the proposed rule as
65 29 requested to the state office of a trade or occupational
65 30 association which has registered its name and address with the
65 31 agency. The trade or occupational association shall reimburse
65 32 the agency for the actual cost incurred in providing the
65 33 copies of the proposed rule under this paragraph. Failure to
65 34 provide copies as provided in this paragraph shall not be
65 35 grounds for the invalidation of a rule, unless that failure
66 1 was deliberate on the part of that agency or the result of
66 2 gross negligence.

66 3 2. An agency shall include in a preamble to each rule it
66 4 adopts a brief explanation of the principal reasons for its
66 5 action and, if applicable, a brief explanation of the
66 6 principal reasons for its failure to provide in that rule for
66 7 the waiver of the rule in specified situations if no such
66 8 waiver provision is included in the rule. This explanatory
66 9 requirement does not apply when the agency adopts a rule that
66 10 only defines the meaning of a provision of law if the agency
66 11 does not possess delegated authority to bind the courts to any
66 12 extent with its definition. In addition, if requested to do
66 13 so by an interested person, either prior to adoption or within
66 14 thirty days thereafter, the agency shall issue a concise
66 15 statement of the principal reasons for and against the rule
66 16 adopted, incorporating therein the reasons for overruling
66 17 considerations urged against the rule. This concise statement
66 18 shall be issued either at the time of the adoption of the rule
66 19 or within thirty-five days after the agency receives the
66 20 request.

66 21 ~~2.~~ 3. When an agency for good cause finds that notice and
66 22 public participation would be unnecessary, impracticable, or
66 23 contrary to the public interest, the provisions of subsection
66 24 1 shall be inapplicable. The agency shall incorporate in each
66 25 rule issued in reliance upon this provision either the finding
66 26 and a brief statement of the reasons for the finding, or a
66 27 statement that the rule is within a very narrowly tailored
66 28 category of rules whose issuance has previously been exempted
66 29 from subsection 1 by a special rule relying on this provision
66 30 and including such a finding and statement of reasons for the
66 31 entire category. If the administrative rules review committee
66 32 by a two-thirds vote, the governor, or the attorney general
66 33 files with the administrative code editor an objection to the
66 34 adoption of any rule pursuant to this subsection, that rule
66 35 shall cease to be effective one hundred eighty days after the
67 1 date the objection was filed. A copy of the objection,
67 2 properly dated, shall be forwarded to the agency at the time
67 3 of filing the objection. In any action contesting a rule
67 4 adopted pursuant to this subsection, the burden of proof shall
67 5 be on the agency to show that the procedures of subsection 1
67 6 were impracticable, unnecessary, or contrary to the public
67 7 interest and that, if a category of rules was involved, the
67 8 category was very narrowly tailored.

67 9 ~~3.~~ 4. Any notice of intended action or rule filed without
67 10 notice pursuant to subsection ~~2~~ 3, which necessitates
67 11 additional annual expenditures of at least one hundred
67 12 thousand dollars or combined expenditures of at least five
67 13 hundred thousand dollars within five years by all affected
67 14 persons, including the agency itself, shall be accompanied by
67 15 a fiscal impact statement outlining the expenditures. The
67 16 agency shall promptly deliver a copy of the statement to the
67 17 legislative services agency. To the extent feasible, the
67 18 legislative services agency shall analyze the statement and
67 19 provide a summary of that analysis to the administrative rules
67 20 review committee. If the agency has made a good faith effort
67 21 to comply with the requirements of this subsection, the rule
67 22 shall not be invalidated on the ground that the contents of
67 23 the statement are insufficient or inaccurate.

67 24 ~~4.~~ 5. No rule adopted after July 1, 1975, is valid unless
67 25 adopted in substantial compliance with the above requirements
67 26 of this section. However, a rule shall be conclusively
67 27 presumed to have been made in compliance with all of the above
67 28 procedural requirements of this section if it has not been
67 29 invalidated on the grounds of noncompliance in a proceeding
67 30 commenced within two years after its effective date.

67 31 ~~5.~~ 6. a. If the administrative rules review committee

67 32 created by section 17A.8, the governor, or the attorney
67 33 general finds objection to all or some portion of a proposed
67 34 or adopted rule because that rule is deemed to be
67 35 unreasonable, arbitrary, capricious, or otherwise beyond the
68 1 authority delegated to the agency, the committee, governor, or
68 2 attorney general may, in writing, notify the agency of the
68 3 objection. In the case of a rule issued under subsection ~~2~~ 3,
68 4 or a rule made effective under section 17A.5, subsection 2,
68 5 paragraph "b", the committee, governor, or attorney general
68 6 may notify the agency of such an objection. The committee,
68 7 governor, or attorney general shall also file a certified copy
68 8 of such an objection in the office of the administrative code
68 9 editor and a notice to the effect that an objection has been
68 10 filed shall be published in the next issue of the Iowa
68 11 administrative bulletin and in the Iowa administrative code
68 12 when that rule is printed in it. The burden of proof shall
68 13 then be on the agency in any proceeding for judicial review or
68 14 for enforcement of the rule heard subsequent to the filing to
68 15 establish that the rule or portion of the rule timely objected
68 16 to according to the above procedure is not unreasonable,
68 17 arbitrary, capricious, or otherwise beyond the authority
68 18 delegated to it.

68 19 b. If the agency fails to meet the burden of proof
68 20 prescribed for a rule objected to according to the provisions
68 21 of paragraph "a" ~~of this subsection~~, the court shall declare
68 22 the rule or portion of the rule objected to invalid and
68 23 judgment shall be rendered against the agency for court costs.
68 24 Such court costs shall include a reasonable attorney fee and
68 25 shall be payable by the director of the department of
68 26 administrative services from the support appropriations of the
68 27 agency which issued the rule in question.

68 28 ~~6.~~ 7. Upon the vote of two-thirds of its members the
68 29 administrative rules review committee may delay the effective
68 30 date of a rule seventy days beyond that permitted in section
68 31 17A.5, unless the rule was promulgated under section 17A.5,
68 32 subsection 2, paragraph "b". This provision shall be utilized
68 33 by the committee only if further time is necessary to study
68 34 and examine the rule. Notice of an effective date that was
68 35 delayed under this provision shall be published in the Iowa
69 1 administrative code and bulletin.

69 2 ~~7.~~ 8. The governor may rescind an adopted rule by
69 3 executive order within seventy days of the rule becoming
69 4 effective. The governor shall provide a copy of the executive
69 5 order to the administrative code editor who shall include it
69 6 in the next publication of the Iowa administrative bulletin.

69 7 Sec. 81. Section 17A.4A, subsections 1, 4, and 7, Code
69 8 2007, are amended to read as follows:

69 9 1. An agency shall issue a regulatory analysis of a
69 10 proposed rule that complies with subsection 2, paragraph "a",
69 11 if, within thirty-two days after the published notice of
69 12 proposed rule adoption, a written request for the analysis is
69 13 submitted to the agency by the administrative rules review
69 14 committee or the administrative rules coordinator. An agency
69 15 shall issue a regulatory analysis of a proposed rule that
69 16 complies with subsection 2, paragraph "b", if the rule would
69 17 have a substantial impact on small business and if, within
69 18 thirty-two days after the published notice of proposed rule
69 19 adoption, a written request for analysis is submitted to the
69 20 agency by the administrative rules review committee, the
69 21 administrative rules coordinator, at least twenty-five persons
69 22 signing that request who each qualify as a small business or
69 23 by an organization representing at least twenty-five such
69 24 persons. If a rule has been adopted without prior notice and
69 25 an opportunity for public participation in reliance upon
69 26 section 17A.4, subsection ~~2~~ 3, the written request for an
69 27 analysis that complies with subsection 2, paragraph "a" or
69 28 "b", may be made within seventy days of publication of the
69 29 rule.

69 30 4. Upon receipt by an agency of a timely request for a
69 31 regulatory analysis, the agency shall extend the period
69 32 specified in this chapter for each of the following until at
69 33 least twenty days after publication in the administrative
69 34 bulletin of a concise summary of the regulatory analysis:

70 1 a. The end of the period during which persons may make
70 2 written submissions on the proposed rule.

70 3 b. The end of the period during which an oral proceeding
70 4 may be requested.

70 5 c. The date of any required oral proceeding on the
70 6 proposed rule.

70 7 4A. In the case of a rule adopted without prior notice and
70 8 an opportunity for public participation in reliance upon

70 8 section 17A.4, subsection ~~2~~ 3, the summary must be published
70 9 within seventy days of the request.

70 10 7. a. For the purpose of this section, "small business"
70 11 means any entity including but not limited to an individual,
70 12 partnership, corporation, joint venture, association, or
70 13 cooperative, to which all of the following apply:

70 14 ~~a.~~ (1) It is not an affiliate or subsidiary of an entity
70 15 dominant in its field of operation.

70 16 ~~b.~~ (2) It has either twenty or fewer full-time equivalent
70 17 positions or less than one million dollars in annual gross
70 18 revenues in the preceding fiscal year.

70 19 b. For purposes of this definition, "dominant in its field
70 20 of operation" means having more than twenty full-time
70 21 equivalent positions and more than one million dollars in
70 22 annual gross revenues, and "affiliate or subsidiary of an
70 23 entity dominant in its field of operation" means an entity
70 24 which is at least twenty percent owned by an entity dominant
70 25 in its field of operation, or by partners, officers,
70 26 directors, majority stockholders, or their equivalent, of an
70 27 entity dominant in that field of operation.

70 28 Sec. 82. Section 20.5, Code Supplement 2007, is amended to
70 29 read as follows:

70 30 20.5 PUBLIC EMPLOYMENT RELATIONS BOARD.

70 31 1. There is established a board to be known as the "Public
70 32 Employment Relations Board".

70 33 a. The board shall consist of three members appointed by
70 34 the governor, subject to confirmation by the senate. In

~~70 35 selecting the members of the board, consideration shall be
71 1 given to their knowledge, ability, and experience in the field
71 2 of labor-management relations.~~ No more than two members shall

71 3 be of the same political affiliation, no member shall engage
71 4 in any political activity while holding office and the members
71 5 shall devote full time to their duties.

71 6 b. The members shall be appointed for staggered terms of
71 7 four years beginning and ending as provided in section 69.19.

71 8 c. The member first appointed for a term of four years
71 9 shall serve as chairperson and each of the member's successors
71 10 shall also serve as chairperson.

71 11 ~~2.~~ d. Any vacancy occurring shall be filled in the same
71 12 manner as regular appointments are made.

~~71 13 3. In selecting the members of the board, consideration
71 14 shall be given to their knowledge, ability, and experience in
71 15 the field of labor-management relations. The chairperson and
71 16 the remaining two members shall be compensated as provided in
71 17 section 7E.6, subsection 5.~~

71 18 ~~4.~~ 2. The board may employ such persons as are necessary
71 19 for the performance of its functions. Personnel of the board
71 20 shall be employed pursuant to the provisions of chapter 8A,
71 21 subchapter IV.

~~71 22 5. 3. The chairperson and the remaining two members shall
71 23 be compensated as provided in section 7E.6, subsection 5.~~

71 24 Members of the board and other employees of the board shall be
71 25 allowed their actual and necessary expenses incurred in the
71 26 performance of their duties. All expenses and salaries shall
71 27 be paid from appropriations for such purposes and the board
71 28 shall be subject to the budget requirements of chapter 8.

71 29 Sec. 83. Section 24.26, Code 2007, is amended to read as
71 30 follows:

71 31 24.26 STATE APPEAL BOARD.

71 32 1. The state appeal board in the department of management
71 33 consists of the following:

71 34 ~~1.~~ a. The director of the department of management.

71 35 ~~2.~~ b. The auditor of state.

72 1 ~~3.~~ c. The treasurer of state.

~~72 2 2. The annual meeting of the state board shall be held on
72 3 the second Tuesday of January in each year.~~ At each annual

72 4 meeting the state board shall organize by the election from
72 5 its members of a chairperson and a vice chairperson; and by
72 6 appointing a secretary. Two members of the state board
72 7 constitute a quorum for the transaction of any business.

72 8 3. The state board may appoint one or more competent and
72 9 specially qualified persons as deputies, to appear and act for
72 10 it at initial hearings. ~~The annual meeting of the state board
72 11 shall be held on the second Tuesday of January in each year.~~

72 12 Each deputy appointed by the state board is entitled to
72 13 receive the amount of the deputy's necessary expenses actually
72 14 incurred while engaged in the performance of the deputy's
72 15 official duties. The expenses shall be audited and approved
72 16 by the state board and proper receipts filed for them.

72 17 4. The expenses of the state board shall be paid from the
72 18 funds appropriated to the department of management.

72 19 Sec. 84. Section 68A.102, subsection 10, Code Supplement
72 20 2007, is amended to read as follows:

72 21 10. a. "Contribution" means:

72 22 ~~a. (1)~~ A gift, loan, advance, deposit, rebate, refund, or
72 23 transfer of money or a gift in kind.

72 24 ~~b. (2)~~ The payment, by any person other than a candidate
72 25 or political committee, of compensation for the personal
72 26 services of another person which are rendered to a candidate
72 27 or political committee for any such purpose.

72 28 b. "Contribution" shall not include ~~services:~~

72 29 (1) Services provided without compensation by individuals
72 30 volunteering their time on behalf of a candidate's committee
72 31 or political committee or a state or county statutory
72 32 political committee except when organized or provided on a
72 33 collective basis by a business, trade association, labor
72 34 union, or any other organized group or association.

72 35 ~~"Contribution" shall not include refreshments~~

73 1 (2) Refreshments served at a campaign function so long as
73 2 such refreshments do not exceed fifty dollars in value or
73 3 transportation provided to a candidate so long as its value
73 4 computed at the current rate of reimbursement allowed under
73 5 the standard mileage rate method for computation of business
73 6 expenses pursuant to the Internal Revenue Code does not exceed
73 7 one hundred dollars in value in any one reporting period.

73 8 ~~"Contribution" shall not include something~~

73 9 (3) Something provided to a candidate for the candidate's
73 10 personal consumption or use and not intended for or on behalf
73 11 of the candidate's committee.

73 12 Sec. 85. Section 68B.32A, subsection 2, unnumbered
73 13 paragraph 2, Code Supplement 2007, is amended to read as
73 14 follows:

73 15 ~~2A. The board may establish~~ Establish a process to assign
73 16 signature codes to a person or committee for purposes of
73 17 facilitating an electronic filing procedure. The assignment
73 18 of signature codes shall be kept confidential, notwithstanding
73 19 section 22.2. The board and persons electronically filing
73 20 reports and statements shall keep assigned signature codes or
73 21 subsequently selected signature codes confidential. Signature
73 22 codes shall not be subject to state security policies
73 23 regarding frequency of change.

73 24 Sec. 86. Section 73A.21, Code 2007, is amended to read as
73 25 follows:

73 26 73A.21 RECIPROCAL RESIDENT BIDDER PREFERENCE BY STATE, ITS
73 27 AGENCIES, AND POLITICAL SUBDIVISIONS.

73 28 1. For purposes of this section:

73 29 a. "Public improvement" means public improvements as
73 30 defined in section 73A.1 and includes road construction,
73 31 reconstruction, and maintenance projects.

73 32 b. "Resident bidder" means a person authorized to transact
73 33 business in this state and having a place of business for
73 34 transacting business within the state at which it is
73 35 conducting and has conducted business for at least six months
74 1 prior to the first advertisement for the public improvement
74 2 and in the case of a corporation, having at least fifty
74 3 percent of its common stock owned by residents of this state.
74 4 If another state or foreign country has a more stringent
74 5 definition of a resident bidder, the more stringent definition
74 6 is applicable as to bidders from that state or foreign
74 7 country.

74 8 2. Notwithstanding this chapter, chapter 73, chapter 309,
74 9 chapter 310, chapter 331, or chapter 384, when a contract for
74 10 a public improvement is to be awarded to the lowest
74 11 responsible bidder, a resident bidder shall be allowed a
74 12 preference as against a nonresident bidder from a state or
74 13 foreign country which gives or requires a preference to
74 14 bidders from that state or foreign country. The preference is
74 15 equal to the preference given or required by the state or
74 16 foreign country in which the nonresident bidder is a resident.
74 17 ~~"Resident bidder" means a person authorized to transact~~
74 18 ~~business in this state and having a place of business for~~
74 19 ~~transacting business within the state at which it is~~
74 20 ~~conducting and has conducted business for at least six months~~
74 21 ~~prior to the first advertisement for the public improvement~~
74 22 ~~and in the case of a corporation, having at least fifty~~
74 23 ~~percent of its common stock owned by residents of this state.~~
74 24 ~~If another state or foreign country has a more stringent~~
74 25 ~~definition of a resident bidder, the more stringent definition~~
74 26 ~~is applicable as to bidders from that state or foreign~~
74 27 ~~country.~~

74 28 ~~For purposes of this section, "public improvement" means~~
74 29 ~~public improvements as defined in section 73A.1 and includes~~

~~74 30 road construction, reconstruction, and maintenance projects.~~

~~74 31 3. This section applies to the state, its agencies, and~~
~~74 32 any political subdivisions of the state.~~

~~74 33 4. If it is determined that this may cause denial of~~
~~74 34 federal funds which would otherwise be available, or would~~
~~74 35 otherwise be inconsistent with requirements of federal law,~~
~~75 1 this section shall be suspended, but only to the extent~~
~~75 2 necessary to prevent denial of the funds or to eliminate the~~
~~75 3 inconsistency with federal requirements.~~

~~75 4 Sec. 87. Section 80.9, Code Supplement 2007, is amended to~~
~~75 5 read as follows:~~

~~75 6 80.9 DUTIES OF DEPARTMENT == DUTIES AND POWERS OF PEACE~~
~~75 7 OFFICERS == STATE PATROL.~~

~~75 8 1. It shall be the duty of the department to prevent~~
~~75 9 crime, to detect and apprehend criminals, and to enforce such~~
~~75 10 other laws as are hereinafter specified. A peace officer of~~
~~75 11 the department when authorized by the commissioner shall have~~
~~75 12 and exercise all the powers of any other peace officer of the~~
~~75 13 state.~~

~~75 14 2. The state patrol is established in the department. The~~
~~75 15 patrol shall be under the direction of the commissioner. The~~
~~75 16 number of supervisory officers shall be in proportion to the~~
~~75 17 membership of the state patrol. The department shall maintain~~
~~75 18 a vehicle theft unit in the state patrol to investigate and~~
~~75 19 assist in the examination and identification of stolen,~~
~~75 20 altered, or forfeited vehicles.~~

~~75 21 3. The department shall be primarily responsible for the~~
~~75 22 enforcement of all laws and rules relating to any controlled~~
~~75 23 substance or counterfeit substance, except for making~~
~~75 24 accountability audits of the supply and inventory of~~
~~75 25 controlled substances in the possession of pharmacists,~~
~~75 26 physicians, hospitals, and health care facilities as defined~~
~~75 27 in section 135C.1, as well as in the possession of any and all~~
~~75 28 other individuals or institutions authorized to have~~
~~75 29 possession of any controlled substances.~~

~~75 30 1. A peace officer shall not exercise the general powers~~
~~75 31 of a peace officer within the limits of any city, except:~~

~~75 32 a. When so ordered by the direction of the governor;~~

~~75 33 b. When request is made by the mayor of any city, with the~~
~~75 34 approval of the commissioner;~~

~~75 35 c. When request is made by the sheriff or county attorney~~
~~76 1 of any county with the approval of the commissioner;~~

~~76 2 d. While in the pursuit of law violators or in~~
~~76 3 investigating law violations;~~

~~76 4 e. While making any inspection provided by this chapter,~~
~~76 5 or any additional inspection ordered by the commissioner;~~

~~76 6 f. When engaged in the investigating and enforcing of fire~~
~~76 7 and arson laws;~~

~~76 8 g. When engaged in the investigation and enforcement of~~
~~76 9 laws relating to narcotic, counterfeit, stimulant, and~~
~~76 10 depressant drugs.~~

~~76 11 When a peace officer of the department is acting in~~
~~76 12 cooperation with any other local peace officer, or county~~
~~76 13 attorney in general criminal investigation work, or when~~
~~76 14 acting on a special assignment by the commissioner, the~~
~~76 15 jurisdiction of the peace officer is statewide.~~

~~76 16 However, the above limitations shall in no way be construed~~
~~76 17 as a limitation as to their power as officers when a public~~
~~76 18 offense is being committed in their presence.~~

~~76 19 2. In more particular, the duties of a peace officer shall~~
~~76 20 be as follows:~~

~~76 21 a. To enforce all state laws.~~

~~76 22 b. To enforce all laws relating to traffic on the public~~
~~76 23 highways of the state, including those relating to the safe~~
~~76 24 and legal operation of passenger cars, motorcycles, motor~~
~~76 25 trucks and buses; to see that proper safety rules are observed~~
~~76 26 and to give first aid to the injured.~~

~~76 27 c. To investigate all fires; to apprehend persons~~
~~76 28 suspected of arson; to enforce all safety measures in~~
~~76 29 connection with the prevention of fires; to disseminate~~
~~76 30 fire-prevention education; to develop training standards and~~
~~76 31 provide training to fire fighters around the state; and to~~
~~76 32 address other issues related to fire service and emergency~~
~~76 33 response as requested by the state fire service and emergency~~
~~76 34 response council.~~

~~76 35 d. 4. To The department shall collect and classify, and~~
~~77 1 keep at all times available, complete information useful for~~
~~77 2 the detection of crime, and the identification and~~
~~77 3 apprehension of criminals. Such information shall be~~
~~77 4 available for all peace officers within the state, under such~~
~~77 5 regulations as the commissioner may prescribe. The provisions~~

~~77 6 of chapter 141A do not apply to the entry of human~~
~~77 7 immunodeficiency virus-related information by criminal or~~
~~77 8 juvenile justice agencies, as defined in section 692.1, into~~
~~77 9 the Iowa criminal justice information system or the national~~
~~77 10 crime information center system. The provisions of chapter~~
~~77 11 141A also do not apply to the transmission of the same~~
~~77 12 information from either or both information systems to~~
~~77 13 criminal or juvenile justice agencies. The provisions of~~
~~77 14 chapter 141A also do not apply to the transmission of the same~~
~~77 15 information from either or both information systems to~~
~~77 16 employees of state correctional institutions subject to the~~
~~77 17 jurisdiction of the department of corrections, employees of~~
~~77 18 secure facilities for juveniles subject to the jurisdiction of~~
~~77 19 the department of human services, and employees of city and~~
~~77 20 county jails, if those employees have direct physical~~
~~77 21 supervision over inmates of those facilities or institutions.~~
~~77 22 Human immunodeficiency virus-related information shall not be~~
~~77 23 transmitted over the police radio broadcasting system under~~
~~77 24 chapter 693 or any other radio-based communications system.~~
~~77 25 An employee of an agency receiving human immunodeficiency~~
~~77 26 virus-related information under this section who communicates~~
~~77 27 the information to another employee who does not have direct~~
~~77 28 physical supervision over inmates, other than to a supervisor~~
~~77 29 of an employee who has direct physical supervision over~~
~~77 30 inmates for the purpose of conveying the information to such~~
~~77 31 an employee, or who communicates the information to any person~~
~~77 32 not employed by the agency or uses the information outside the~~
~~77 33 agency is guilty of a class "D" felony. The commissioner~~
~~77 34 shall adopt rules regarding the transmission of human~~
~~77 35 immunodeficiency virus-related information including~~
~~78 1 provisions for maintaining confidentiality of the information.~~
~~78 2 The rules shall include a requirement that persons receiving~~
~~78 3 information from the Iowa criminal justice information system~~
~~78 4 or the national crime information center system receive~~
~~78 5 training regarding confidentiality standards applicable to the~~
~~78 6 information received from the system. The commissioner shall~~
~~78 7 develop and establish, in cooperation with the department of~~
~~78 8 corrections and the Iowa department of public health, training~~
~~78 9 programs and program criteria for persons receiving human~~
~~78 10 immunodeficiency virus-related information through the Iowa~~
~~78 11 criminal justice information system or the national crime~~
~~78 12 information center system.~~
~~78 13 e. 5. To The department shall operate such radio~~
~~78 14 broadcasting stations as may be necessary in order to~~
~~78 15 disseminate information which will make possible the speedy~~
~~78 16 apprehension of lawbreakers, as well as such other information~~
~~78 17 as may be necessary in connection with the duties of this~~
~~78 18 office the department.~~
~~78 19 f. 6. Provide The department shall provide protection and~~
~~78 20 security for persons and property on the grounds of the state~~
~~78 21 capitol complex.~~
~~78 22 g. 7. To The department shall assist persons who are~~
~~78 23 responsible for the care of private and public land in~~
~~78 24 identifying growing marijuana plants when the plants are~~
~~78 25 reported to the department. The department shall also provide~~
~~78 26 education to the persons regarding methods of eradicating the~~
~~78 27 plants. The department shall adopt rules necessary to carry~~
~~78 28 out this paragraph subsection.~~
~~78 29 h. To maintain a vehicle theft unit in the state patrol to~~
~~78 30 investigate and assist in the examination and identification~~
~~78 31 of stolen, altered, or forfeited vehicles.~~
~~78 32 i. 8. Receive The department shall receive and review the~~
~~78 33 budget submitted by the state fire marshal and the state fire~~
~~78 34 service and emergency response council. The department shall~~
~~78 35 develop training standards, provide training to fire fighters~~
~~79 1 around the state, and address other issues related to fire~~
~~79 2 service and emergency response as requested by the state fire~~
~~79 3 service and emergency response council.~~
~~79 4 j. 9. To The department shall administer section 100B.31~~
~~79 5 relating to volunteer emergency services provider death~~
~~79 6 benefits.~~
~~79 7 3. A peace officer may administer oaths, acknowledge~~
~~79 8 signatures, and take voluntary testimony pursuant to the peace~~
~~79 9 officer's duties as provided by law.~~
~~79 10 4. The state patrol is established in the department. The~~
~~79 11 patrol shall be under the direction of the commissioner. The~~
~~79 12 number of supervisory officers shall be in proportion to the~~
~~79 13 membership of the state patrol.~~
~~79 14 5. The department shall be primarily responsible for the~~
~~79 15 enforcement of all laws and rules relating to any controlled~~
~~79 16 substance or counterfeit substance, except for making~~

~~79 17 accountability audits of the supply and inventory of~~
~~79 18 controlled substances in the possession of pharmacists,~~
~~79 19 physicians, hospitals, and health care facilities as defined~~
~~79 20 in section 135C.1, as well as in the possession of any and all~~
~~79 21 other individuals or institutions authorized to have~~
~~79 22 possession of any controlled substances.~~

79 23 Sec. 88. NEW SECTION. 80.9A AUTHORITY AND DUTIES OF
79 24 PEACE OFFICERS OF THE DEPARTMENT.

79 25 1. A peace officer of the department when authorized by
79 26 the commissioner shall have and exercise all the powers of any
79 27 other peace officer of the state.

79 28 2. When a peace officer of the department is acting in
79 29 cooperation with any other local peace officer, or county
79 30 attorney in general criminal investigation work, or when
79 31 acting on a special assignment by the commissioner, the
79 32 jurisdiction of the peace officer is statewide.

79 33 3. A peace officer may administer oaths, acknowledge
79 34 signatures, and take voluntary testimony pursuant to the peace
79 35 officer's duties as provided by law.

80 1 4. An authorized peace officer of the department
80 2 designated to conduct examinations, investigations, or
80 3 inspections and enforce the laws relating to controlled or
80 4 counterfeit substances shall have all the authority of other
80 5 peace officers and may arrest a person without warrant for
80 6 offenses under this chapter committed in the peace officer's
80 7 presence or, in the case of a felony, if the peace officer has
80 8 probable cause to believe that the person arrested has
80 9 committed or is committing such offense. A peace officer of
80 10 the department shall have the same authority as other peace
80 11 officers to seize controlled or counterfeit substances or
80 12 articles used in the manufacture or sale of controlled or
80 13 counterfeit substances which they have reasonable grounds to
80 14 believe are in violation of law. Such controlled or
80 15 counterfeit substances or articles shall be subject to
80 16 forfeiture.

80 17 5. In more particular, the duties of a peace officer shall
80 18 be as follows:

80 19 a. To enforce all state laws.

80 20 b. To enforce all laws relating to traffic on the public
80 21 highways of the state, including those relating to the safe
80 22 and legal operation of passenger cars, motorcycles, motor
80 23 trucks and buses; to see that proper safety rules are
80 24 observed; and to give first aid to the injured.

80 25 c. To investigate all fires; to apprehend persons
80 26 suspected of arson; to enforce all safety measures in
80 27 connection with the prevention of fires; and to disseminate
80 28 fire-prevention education.

80 29 6. A peace officer shall not exercise the general powers
80 30 of a peace officer within the limits of any city, except as
80 31 follows:

80 32 a. When so ordered by the direction of the governor.

80 33 b. When request is made by the mayor of any city, with the
80 34 approval of the commissioner.

80 35 c. When request is made by the sheriff or county attorney
81 1 of any county with the approval of the commissioner.

81 2 d. While in the pursuit of law violators or in
81 3 investigating law violations.

81 4 e. While making any inspection provided by this chapter,
81 5 or any additional inspection ordered by the commissioner.

81 6 f. When engaged in the investigating and enforcing of fire
81 7 and arson laws.

81 8 g. When engaged in the investigation and enforcement of
81 9 laws relating to narcotic, counterfeit, stimulant, and
81 10 depressant drugs.

81 11 7. The limitations specified in subsection 6 shall in no
81 12 way be construed as a limitation on the power of peace
81 13 officers when a public offense is being committed in their
81 14 presence.

81 15 Sec. 89. NEW SECTION. 80.9B HUMAN IMMUNODEFICIENCY
81 16 VIRUS-RELATED INFORMATION.

81 17 1. The provisions of chapter 141A do not apply to the
81 18 entry of human immunodeficiency virus-related information by
81 19 criminal or juvenile justice agencies, as defined in section
81 20 692.1, into the Iowa criminal justice information system or
81 21 the national crime information center system.

81 22 2. The provisions of chapter 141A also do not apply to the
81 23 transmission of the same information from either or both
81 24 information systems to criminal or juvenile justice agencies.

81 25 3. The provisions of chapter 141A also do not apply to the
81 26 transmission of the same information from either or both
81 27 information systems to employees of state correctional

81 28 institutions subject to the jurisdiction of the department of
81 29 corrections, employees of secure facilities for juveniles
81 30 subject to the jurisdiction of the department of human
81 31 services, and employees of city and county jails, if those
81 32 employees have direct physical supervision over inmates of
81 33 those facilities or institutions.

81 34 4. Human immunodeficiency virus-related information shall
81 35 not be transmitted over the police radio broadcasting system
82 1 under chapter 693 or any other radio-based communications
82 2 system.

82 3 5. An employee of an agency receiving human
82 4 immunodeficiency virus-related information under this section
82 5 who communicates the information to another employee who does
82 6 not have direct physical supervision over inmates, other than
82 7 to a supervisor of an employee who has direct physical
82 8 supervision over inmates for the purpose of conveying the
82 9 information to such an employee, or who communicates the
82 10 information to any person not employed by the agency or uses
82 11 the information outside the agency is guilty of a class "D"
82 12 felony.

82 13 6. The commissioner shall adopt rules regarding the
82 14 transmission of human immunodeficiency virus-related
82 15 information including provisions for maintaining
82 16 confidentiality of the information. The rules shall include a
82 17 requirement that persons receiving information from the Iowa
82 18 criminal justice information system or the national crime
82 19 information center system receive training regarding
82 20 confidentiality standards applicable to the information
82 21 received from the system.

82 22 7. The commissioner shall develop and establish, in
82 23 cooperation with the department of corrections and the
82 24 department of public health, training programs and program
82 25 criteria for persons receiving human immunodeficiency
82 26 virus-related information through the Iowa criminal justice
82 27 information system or the national crime information center
82 28 system.

82 29 Sec. 90. Section 80B.6, Code 2007, is amended to read as
82 30 follows:

82 31 80B.6 COUNCIL CREATED == MEMBERSHIP.

82 32 1. There is created the Iowa law enforcement academy
82 33 council which shall consist of the following seven voting
82 34 members appointed by the governor subject to confirmation by
82 35 the senate to terms of four years commencing as provided in
83 1 section 69.19:

83 2 ~~1-~~ a. Three residents of the state.

83 3 ~~2-~~ b. A sheriff of a county.

83 4 ~~3-~~ c. A police officer who is a member of a police
83 5 department of a city with a population larger than fifty
83 6 thousand persons.

83 7 ~~4-~~ d. A police officer who is a member of a police
83 8 department of a city with a population of less than fifty
83 9 thousand persons.

83 10 ~~5-~~ e. A member of the department of public safety.

83 11 2. One senator appointed by the president of the senate
83 12 after consultation with the majority leader and the minority
83 13 leader of the senate and one representative appointed by the
83 14 speaker of the house are also ex officio, nonvoting members of
83 15 the council.

83 16 3. In the event a member appointed pursuant to this
83 17 section is unable to complete a term, the vacancy shall be
83 18 filled for the unexpired term in the same manner as the
83 19 original appointment.

83 20 Sec. 91. Section 85.61, subsections 2, 7, and 11, Code
83 21 Supplement 2007, are amended to read as follows:

83 22 2. "Employer" includes and applies to ~~a~~ the following:

83 23 a. A person, firm, association, or corporation, state,
83 24 county, municipal corporation, school corporation, area
83 25 education agency, township as an employer of volunteer fire
83 26 fighters, volunteer emergency rescue technicians, and
83 27 emergency medical care providers only, benefited fire
83 28 district, and the legal representatives of a deceased
83 29 employer. ~~"Employer" includes and applies to a~~

83 30 b. A rehabilitation facility approved for
83 31 purchase-of-service contracts or for referrals by the
83 32 department of human services or the department of education.

83 33 c. ~~"Employer" also includes and applies to an~~ An eligible
83 34 postsecondary institution as defined in section 261C.3,
83 35 subsection 1, a school corporation, or an accredited nonpublic
84 1 school if a student enrolled in the eligible postsecondary
84 2 institution, school corporation, or accredited nonpublic
84 3 school is providing unpaid services under a school-to-work

84 4 program that includes, but is not limited to, the components
84 5 provided for in section 258.10, subsection 2, paragraphs "a"
84 6 through "f". However, if a student participating in a
84 7 school=to=work program is participating in open enrollment
84 8 under section 282.18, "employer" means the receiving district.
84 9 ~~"Employer" also includes and applies to a~~
84 10 d. A community college as defined in section 260C.2, if a
84 11 student enrolled in the community college is providing unpaid
84 12 services under a school=to=work program that includes but is
84 13 not limited to the components provided for in section 258.10,
84 14 subsection 2, paragraphs "a" through "f", and that is offered
84 15 by the community college pursuant to a contractual agreement
84 16 with a school corporation or accredited nonpublic school to
84 17 provide the program. If a student participating in a
84 18 school=to=work program that includes but is not limited to the
84 19 components provided for in section 258.10, subsection 2,
84 20 paragraphs "a" through "f", is paid for services provided
84 21 under the program, "employer" means any entity otherwise
84 22 defined as an employer under this subsection which pays the
84 23 student for providing services under the program.
84 24 7. The words "personal injury arising out of and in the
84 25 course of the employment" shall include injuries to employees
84 26 whose services are being performed on, in, or about the
84 27 premises which are occupied, used, or controlled by the
84 28 employer, and also injuries to those who are engaged elsewhere
84 29 in places where their employer's business requires their
84 30 presence and subjects them to dangers incident to the
84 31 business.
84 32 a. Personal injuries sustained by a volunteer fire fighter
84 33 arise in the course of employment if the injuries are
84 34 sustained at any time from the time the volunteer fire fighter
84 35 is summoned to duty as a volunteer fire fighter until the time
85 1 the volunteer fire fighter is discharged from duty by the
85 2 chief of the volunteer fire department or the chief's
85 3 designee.
85 4 b. Personal injuries sustained by volunteer emergency
85 5 rescue technicians or emergency medical care providers as
85 6 defined in section 147A.1 arise in the course of employment if
85 7 the injuries are sustained at any time from the time the
85 8 volunteer emergency rescue technicians or emergency medical
85 9 care providers are summoned to duty until the time those
85 10 duties have been fully discharged.
85 11 11. ~~a.~~ "Worker" or "employee" means a person who has
85 12 entered into the employment of, or works under contract of
85 13 service, express or implied, or apprenticeship, for an
85 14 employer; an executive officer elected or appointed and
85 15 empowered under and in accordance with the charter and bylaws
85 16 of a corporation, including a person holding an official
85 17 position, or standing in a representative capacity of the
85 18 employer; an official elected or appointed by the state, or a
85 19 county, school district, area education agency, municipal
85 20 corporation, or city under any form of government; a member of
85 21 the state patrol; a conservation officer; and a proprietor,
85 22 limited liability company member, limited liability partner,
85 23 or partner who elects to be covered pursuant to section 85.1A,
85 24 except as specified in this chapter.
85 25 ~~b.~~ a. "Worker" or "employee" includes ~~an~~ the following:
85 26 (1) An inmate as defined in section 85.59 and a person
85 27 described in section 85.60.
85 28 ~~c.~~ (2) "Worker" or "employee" includes an An emergency
85 29 medical care provider as defined in section 147A.1, a
85 30 volunteer emergency rescue technician as defined in section
85 31 147A.1, a volunteer ambulance driver, or an emergency medical
85 32 technician trainee, only if an agreement is reached between
85 33 such worker or employee and the employer for whom the
85 34 volunteer services are provided that workers' compensation
85 35 coverage under this chapter and chapters 85A and 85B is to be
86 1 provided by the employer. An emergency medical care provider
86 2 or volunteer emergency rescue technician who is a worker or
86 3 employee under this ~~paragraph~~ subparagraph is not a casual
86 4 employee. "Volunteer ambulance driver" means a person
86 5 performing services as a volunteer ambulance driver at the
86 6 request of the person in charge of a fire department or
86 7 ambulance service of a municipality. "Emergency medical
86 8 technician trainee" means a person enrolled in and training
86 9 for emergency medical technician certification.
86 10 ~~d.~~ (3) "Worker" or "employee" includes a A real estate
86 11 agent who does not provide the services of an independent
86 12 contractor. For the purposes of this ~~paragraph~~ "d"
86 13 subparagraph, a real estate agent is an independent contractor
86 14 if the real estate agent is licensed by the Iowa real estate

86 15 commission as a salesperson and both of the following apply:
86 16 ~~(1)~~ (a) Seventy-five percent or more of the remuneration,
86 17 whether or not paid in cash, for the services performed by the
86 18 individual as a real estate salesperson is derived from one
86 19 company and is directly related to sales or other output,
86 20 including the performance of services, rather than to the
86 21 number of hours worked.
86 22 ~~(2)~~ (b) The services performed by the individual are
86 23 performed pursuant to a written contract between the
86 24 individual and the person for whom the services are performed,
86 25 and the contract provides that the individual will not be
86 26 treated as an employee with respect to the services for state
86 27 tax purposes.
86 28 ~~e. (4) "Worker" or "employee" includes a~~ A student
86 29 enrolled in a public school corporation or accredited
86 30 nonpublic school who is participating in a school-to-work
86 31 program that includes but is not limited to the components
86 32 provided for in section 258.10, subsection 2, paragraphs "a"
86 33 through "f". ~~"Worker" or "employee" also includes a~~
86 34 (5) A student enrolled in a community college as defined
86 35 in section 260C.2, who is participating in a school-to-work
87 1 program that includes but is not limited to the components
87 2 provided for in section 258.10, subsection 2, paragraphs "a"
87 3 through "f", and that is offered by the community college
87 4 pursuant to a contractual agreement with a school corporation
87 5 or accredited nonpublic school to provide the program.
87 6 ~~f. b.~~ The term "worker" or "employee" shall include the
87 7 singular and plural. Any reference to a worker or employee
87 8 who has been injured shall, when such worker or employee is
87 9 dead, include the worker's or employee's dependents as herein
87 10 defined or the worker's or employee's legal representatives;
87 11 and where the worker or employee is a minor or incompetent, it
87 12 shall include the minor's or incompetent's guardian, next
87 13 friend, or trustee. Notwithstanding any law prohibiting the
87 14 employment of minors, all minor employees shall be entitled to
87 15 the benefits of this chapter and chapters 86 and 87 regardless
87 16 of the age of such minor employee.
87 17 ~~g. c.~~ The following persons shall not be deemed "workers"
87 18 or "employees":
87 19 (1) A person whose employment is purely casual and not for
87 20 the purpose of the employer's trade or business except as
87 21 otherwise provided in section 85.1.
87 22 (2) An independent contractor.
87 23 (3) An owner-operator who, as an individual or partner, or
87 24 shareholder of a corporate owner-operator, owns a vehicle
87 25 licensed and registered as a truck, road tractor, or truck
87 26 tractor by a governmental agency, is an independent contractor
87 27 while performing services in the operation of the
87 28 owner-operator's vehicle if all of the following conditions
87 29 are substantially present:
87 30 (a) The owner-operator is responsible for the maintenance
87 31 of the vehicle.
87 32 (b) The owner-operator bears the principal burden of the
87 33 vehicle's operating costs, including fuel, repairs, supplies,
87 34 collision insurance, and personal expenses for the operator
87 35 while on the road.
88 1 (c) The owner-operator is responsible for supplying the
88 2 necessary personnel to operate the vehicle, and the personnel
88 3 are considered the owner-operator's employees.
88 4 (d) The owner-operator's compensation is based on factors
88 5 related to the work performed, including a percentage of any
88 6 schedule of rates or lawfully published tariff, and not on the
88 7 basis of the hours or time expended.
88 8 (e) The owner-operator determines the details and means of
88 9 performing the services, in conformance with regulatory
88 10 requirements, operating procedures of the carrier, and
88 11 specifications of the shipper.
88 12 (f) The owner-operator enters into a contract which
88 13 specifies the relationship to be that of an independent
88 14 contractor and not that of an employee.
88 15 (4) Directors of a corporation who are not at the same
88 16 time employees of the corporation; or directors, trustees,
88 17 officers, or other managing officials of a nonprofit
88 18 corporation or association who are not at the same time
88 19 full-time employees of the nonprofit corporation or
88 20 association.
88 21 (5) Proprietors, limited liability company members,
88 22 limited liability partners, and partners who have not elected
88 23 to be covered by the workers' compensation law of this state
88 24 pursuant to section 85.1A.
88 25 Sec. 92. Section 88.8, subsection 3, Code 2007, is amended

88 26 to read as follows:

88 27 3. CONTESTED NOTICE.

88 28 a. If an employer notifies the commissioner that the
88 29 employer intends to contest a citation issued under section
88 30 88.7, or notification issued under subsection 1 or 2 of this
88 31 section or if, within fifteen working days of the issuance of
88 32 a citation under section 88.7, any employee or authorized
88 33 employee representative files a notice with the commissioner
88 34 alleging that the period of time fixed in the citation for the
88 35 abatement of the violation is unreasonable, the commissioner
89 1 shall immediately advise the appeal board of such
89 2 notification, and the appeal board shall afford an opportunity
89 3 for a hearing.

89 4 b. At the hearing, the appeal board shall act as an
89 5 adjudicatory body. The appeal board shall thereafter issue an
89 6 order, based on findings of fact, affirming, modifying, or
89 7 vacating the commissioner's citation or proposed penalty or
89 8 directing other appropriate relief, and such order shall
89 9 become final thirty days after its issuance.

89 10 c. Upon a showing by an employer of a good faith effort to
89 11 comply with the abatement requirements of a citation, and that
89 12 abatement has not been completed because of factors beyond the
89 13 employer's reasonable control, the commissioner, after an
89 14 opportunity for a hearing shall issue an order affirming or
89 15 modifying the abatement requirements in such citation.

89 16 d. The rules of procedure prescribed by the appeal board
89 17 shall provide affected employees or representatives of
89 18 affected employees an opportunity to participate as parties to
89 19 hearings under this subsection, and shall conform to rules of
89 20 procedure adopted under the federal law by federal authorities
89 21 insofar as the federal rules of procedure do not conflict with
89 22 state law.

89 23 4. WITHDRAWAL OF CITATION OR SETTLEMENT. The commissioner
89 24 has unreviewable discretion to withdraw a citation charging an
89 25 employer with violating this chapter. If the parties enter
89 26 into a settlement agreement prior to a hearing, the employment
89 27 appeal board shall enter an order affirming the agreement.

89 28 Sec. 93. Section 100B.1, subsection 1, Code 2007, is
89 29 amended to read as follows:

89 30 1. The state fire service and emergency response council
89 31 is established in the division of state fire marshal of the
89 32 department of public safety.

89 33 a. The council shall consist of eleven voting members and
89 34 one ex officio, nonvoting member. ~~Members~~ Voting members of
89 35 the state fire service and emergency response council shall be
90 1 appointed by the governor.

90 2 (1) The governor shall appoint voting members of the
90 3 council from a list of nominees submitted by each of the
90 4 following organizations:

90 5 ~~a-~~ (a) Two members from a list submitted by the Iowa
90 6 firemen's association.

90 7 ~~b-~~ (b) Two members from a list submitted by the Iowa fire
90 8 chiefs' association.

90 9 ~~c-~~ (c) One member from a list submitted by the Iowa
90 10 association of professional fire fighters.

90 11 ~~d-~~ (d) Two members from a list submitted by the Iowa
90 12 association of professional fire chiefs.

90 13 ~~e-~~ (e) One member from a list submitted by the Iowa fire
90 14 fighters group.

90 15 ~~f-~~ (f) One member from a list submitted by the Iowa
90 16 emergency medical services association.

90 17 (2) A person nominated for inclusion in the voting
90 18 membership on the council is not required to be a member of
90 19 the organization that nominates the person.

90 20 (3) The tenth and eleventh members of the council shall be
90 21 members of the general public appointed by the governor.

90 22 (4) The labor commissioner, or the labor commissioner's
90 23 designee, shall be a nonvoting, ex officio member of the
90 24 council.

90 25 b. Members of the council shall hold office commencing
90 26 July 1, 2000, for four years and until their successors are
90 27 appointed, except that three initial appointees shall be
90 28 appointed for two years, four initial appointees for three
90 29 years, and four initial appointees for four years.

90 30 c. The fire marshal or the fire marshal's designee shall
90 31 attend each meeting of the council.

90 32 Sec. 94. Section 80.34, Code Supplement 2007, is repealed.

90 33 DIVISION III

90 34 CONFORMING AMENDMENTS TO MISCELLANEOUS PROVISIONS

90 35 AND VOLUME I RENUMBERING

91 1 Sec. 95. Section 7J.1, subsection 7, paragraph b,

91 2 subparagraph (3), Code 2007, is amended to read as follows:

91 3 (3) The administrative rules review committee shall review
91 4 the proposed waiver or suspension at the committee's next
91 5 scheduled meeting following submission of the proposal and may
91 6 either take no action or affirmatively approve the waiver or
91 7 suspension, or delay the effective date of the waiver or
91 8 suspension in the same manner as for rules as provided in
91 9 section 17A.4, subsection 5 ~~6~~, and section 17A.8, subsection
91 10 9. If the administrative rules review committee either
91 11 approves or takes no action concerning the proposed waiver or
91 12 suspension, the waiver or suspension may become effective no
91 13 earlier than the day following the meeting. If the
91 14 administrative rules review committee delays the effective
91 15 date of the waiver or suspension but no further action is
91 16 taken to rescind the waiver or suspension, the proposed waiver
91 17 or suspension may become effective no earlier than upon the
91 18 conclusion of the delay. The administrative rules review
91 19 committee shall notify the applicable charter agency of its
91 20 action concerning the proposed waiver or suspension.

91 21 Sec. 96. Section 8D.13, subsection 19, Code 2007, is
91 22 amended to read as follows:

91 23 19. Access to the network shall be offered to the
91 24 department of public safety and the department of public
91 25 defense for the purpose of establishing and operating a shared
91 26 data-only network providing law enforcement, emergency
91 27 management, disaster service, emergency warning, and other
91 28 emergency information dissemination services to federal,
91 29 state, and local law enforcement agencies as provided in
91 30 ~~section sections~~ 80.9 ~~and 80.9B~~, and local emergency
91 31 management offices established under the authority of sections
91 32 29C.9 and 29C.10.

91 33 Sec. 97. Section 17A.8, subsection 8, Code 2007, is
91 34 amended to read as follows:

91 35 8. If the committee finds objection to a rule, it may
92 1 utilize the procedure provided in section 17A.4, subsection 5
92 2 ~~6~~. In addition or in the alternative, the committee may
92 3 include in the referral, under subsection 7, a recommendation
92 4 that this rule be overcome by statute. If the committee of
92 5 the general assembly to which a rule is referred finds
92 6 objection to the referred rule, it may recommend to the
92 7 general assembly that this rule be overcome by statute. This
92 8 section shall not be construed to prevent a committee of the
92 9 general assembly from reviewing a rule on its own motion.

92 10 Sec. 98. Section 19B.12, subsections 3 and 4, Code 2007,
92 11 are amended to read as follows:

92 12 3. ~~a.~~ As used in this section, "sexual harassment" means
92 13 persistent, repetitive, or highly egregious conduct directed
92 14 at a specific individual or group of individuals that a
92 15 reasonable person would interpret as intentional harassment of
92 16 a sexual nature, taking into consideration the full context in
92 17 which the conduct occurs, which conduct threatens to impair
92 18 the ability of a person to perform the duties of employment,
92 19 or otherwise function normally within an institution
92 20 responsible for the person's care, rehabilitation, education,
92 21 or training.

92 22 ~~b.~~ "Sexual harassment" may include, but is not limited to,
92 23 the following:

92 24 ~~a.~~ (1) Unsolicited sexual advances by a person toward
92 25 another person who has clearly communicated the other person's
92 26 desire not to be the subject of those advances.

92 27 ~~b.~~ (2) Sexual advances or propositions made by a person
92 28 having superior authority toward another person within the
92 29 workplace or institution.

92 30 ~~c.~~ (3) Instances of offensive sexual remarks or speech or
92 31 graphic sexual displays directed at a person in the workplace
92 32 or institution, who has clearly communicated the person's
92 33 objection to that conduct, and where the person is not free to
92 34 avoid that conduct due to the requirements of the employment
92 35 or the confines or operations of the institution.

93 1 ~~d.~~ (4) Dress requirements that bear no relation to the
93 2 person's employment responsibilities or institutional status.

93 3 4. The department of administrative services for all state
93 4 agencies, and the state board of regents for its institutions,
93 5 shall adopt rules and appropriate internal, confidential
93 6 grievance procedures to implement this section, and shall
93 7 adopt procedures for determining violations of this section
93 8 and for ordering appropriate dispositions that may include,
93 9 but are not limited to, discharge, suspension, or reduction in
93 10 rank or grade as defined in section 8A.413, subsection ~~16~~ 18.

93 11 Sec. 99. Section 80B.13, subsection 10, Code Supplement
93 12 2007, is amended to read as follows:

93 13 10. Secure the assistance of the state division of
93 14 criminal investigation in the investigation of alleged
93 15 violations, as provided under section ~~80.9~~ 80.9A, subsection 1
93 16 6, paragraphs "c" and "g", of the provisions adopted under
93 17 section 80B.11.
93 18 Sec. 100. Section 87.1, subsection 2, Code Supplement
93 19 2007, is amended to read as follows:
93 20 2. A motor carrier who contracts with an owner=operator
93 21 who is acting as an independent contractor pursuant to section
93 22 85.61, subsection 11, paragraph ~~"g"~~ "c", shall not be required
93 23 to insure the motor carrier's liability for the
93 24 owner=operator. A motor carrier may procure compensation
93 25 liability insurance coverage for these owner=operators, and
93 26 may charge the owner=operator for the costs of the premiums.
93 27 A motor carrier shall require the owner=operator to provide
93 28 and maintain a certificate of workers' compensation insurance
93 29 covering the owner=operator's employees. An owner=operator
93 30 shall remain responsible for providing compensation liability
93 31 insurance for the owner=operator's employees.
93 32 Sec. 101. Section 87.23, Code Supplement 2007, is amended
93 33 to read as follows:
93 34 87.23 COMPENSATION LIABILITY INSURANCE NOT REQUIRED.
93 35 A corporation, association, or organization approved by the
94 1 commissioner of insurance to provide compensation liability
94 2 insurance shall not require a motor carrier that contracts
94 3 with an owner=operator who is acting as an independent
94 4 contractor pursuant to section 85.61, subsection 11, paragraph
94 5 ~~"g"~~ "c", to purchase compensation liability insurance for the
94 6 employer's liability for the owner=operator or its employees.
94 7 Sec. 102. Section 100B.22, subsection 6, Code Supplement
94 8 2007, is amended to read as follows:
94 9 6. The state fire marshal may adopt administrative rules
94 10 under section 17A.4, subsection 2 3, and section 17A.5,
94 11 subsection 2, paragraph "b", to administer this section.
94 12 Sec. 103. Section 141A.9, subsection 2, paragraph j, Code
94 13 Supplement 2007, is amended to read as follows:
94 14 j. To employees of state correctional institutions subject
94 15 to the jurisdiction of the department of corrections,
94 16 employees of secure facilities for juveniles subject to the
94 17 department of human services, and employees of city and county
94 18 jails, if the employees have direct supervision over inmates
94 19 of those facilities or institutions in the exercise of the
94 20 duties prescribed pursuant to section ~~80.9, subsection 2,~~
~~94 21 paragraph "d"~~ 80.9B.
94 22 Sec. 104. Section 147.102, Code Supplement 2007, is
94 23 amended to read as follows:
94 24 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.
94 25 Notwithstanding the provisions of this subtitle, every
94 26 application for a license to practice psychology,
94 27 chiropractic, or dentistry shall be made directly to the
94 28 chairperson, executive director, or secretary of the board of
94 29 such profession, and every reciprocal agreement for the
94 30 recognition of any such license issued in another state shall
94 31 be negotiated by the board for such profession. All
94 32 examination, license, and renewal fees received from persons
94 33 licensed to practice any of such professions shall be paid to
94 34 and collected by the chairperson, executive director, or
94 35 secretary of the board of such profession. The salary of the
95 1 secretary shall be established by the governor with the
95 2 approval of the executive council pursuant to section 8A.413,
95 3 subsection 2 3, under the pay plan for exempt positions in the
95 4 executive branch of government.
95 5 Sec. 105. Section 147.103A, subsection 4, Code Supplement
95 6 2007, is amended to read as follows:
95 7 4. Applications for a license shall be made to the
95 8 chairperson, executive director, or secretary of the board.
95 9 All examination, license, and renewal fees shall be paid to
95 10 and collected by the chairperson, executive director, or
95 11 secretary of the board. The salary of the executive director
95 12 of the board shall be established by the governor with
95 13 approval of the executive council pursuant to section 8A.413,
95 14 subsection 2 3, under the pay plan for exempt positions in the
95 15 executive branch of government.
95 16 Sec. 106. Section 152.2, Code 2007, is amended to read as
95 17 follows:
95 18 152.2 EXECUTIVE DIRECTOR == ASSISTANTS.
95 19 The board shall appoint a full-time executive director.
95 20 The executive director shall be a registered nurse and shall
95 21 not be a member of the board. The governor, with the approval
95 22 of the executive council pursuant to section 8A.413,
95 23 subsection 2 3, under the pay plan for exempt positions in the

95 24 executive branch of government, shall set the salary of the
95 25 executive director.

95 26 Sec. 107. Section 231.22, Code 2007, is amended to read as
95 27 follows:

95 28 231.22 DIRECTOR.

95 29 1. The governor, subject to confirmation by the senate,
95 30 shall appoint a director of the department of elder affairs
95 31 who shall, subject to chapter 8A, subchapter IV, employ and
95 32 direct staff as necessary to carry out the powers and duties
95 33 created by this chapter. The director shall serve at the
95 34 pleasure of the governor. However, the director is subject to
95 35 reconfirmation by the senate as provided in section 2.32,
96 1 subsection ~~8~~ 4. The governor shall set the salary for the
96 2 director within the range set by the general assembly.

96 3 2. The director shall have the following qualifications
96 4 and training:

96 5 ~~1-~~ a. Training in the field of gerontology, social work,
96 6 public health, public administration, or other related fields.

96 7 ~~2-~~ b. Direct experience or extensive knowledge of
96 8 programs and services related to elders.

96 9 ~~3-~~ c. Demonstrated understanding and concern for the
96 10 welfare of elders.

96 11 ~~4-~~ d. Demonstrated competency and recent working
96 12 experience in an administrative, supervisory, or management
96 13 position.

96 14 Sec. 108. Section 249A.20A, subsection 10, Code 2007, is
96 15 amended to read as follows:

96 16 10. The department may adopt administrative rules under
96 17 section 17A.4, subsection ~~2~~ 3, and section 17A.5, subsection
96 18 2, paragraph "b", to implement this section.

96 19 Sec. 109. Section 252I.1, subsection 10, Code Supplement
96 20 2007, is amended to read as follows:

96 21 10. "Working days" means only Monday, Tuesday, Wednesday,
96 22 Thursday, and Friday, but excluding the holidays specified in
96 23 section 1C.2, ~~subsections subsection 1 through 9~~.

96 24 Sec. 110. Section 313.4, subsections 1, 3, and 4, Code
96 25 2007, are amended to read as follows:

96 26 1. ~~a.~~ Said primary road fund is hereby appropriated for
96 27 and shall be used in the establishment, construction and
96 28 maintenance of the primary road system, including the
96 29 drainage, grading, surfacing, construction of bridges and
96 30 culverts, the elimination or improvement of railroad
96 31 crossings, the acquiring of additional right-of-way, all other
96 32 expense incurred in the construction and maintenance of said
96 33 primary road system and the maintenance and housing of the
96 34 department.

96 35 ~~b.~~ The department may expend moneys from the fund for dust
97 1 control on a secondary road or municipal street within a
97 2 municipal street system when there is a notable increase in
97 3 traffic on the secondary road or municipal street due to
97 4 closure of a road by the department for purposes of
97 5 establishing, constructing, or maintaining a primary road.

97 6 3. There is appropriated from funds appropriated to the
97 7 department which would otherwise revert to the primary road
97 8 fund pursuant to the provisions of the Act appropriating the
97 9 funds or chapter 8, an amount sufficient to pay the increase
97 10 in salaries, which increase is not otherwise provided for by
97 11 the general assembly in an appropriation bill, resulting from
97 12 the annual review of the merit pay plan as provided in section
97 13 8A.413, subsection ~~2~~ 3. The appropriation herein provided
97 14 shall be in effect from the effective date of the revised pay
97 15 plan to the end of the fiscal biennium in which it becomes
97 16 effective.

97 17 4. ~~a.~~ Such fund is appropriated and shall be used by the
97 18 department to provide energy and for the operation and
97 19 maintenance of those primary road freeway lighting systems
97 20 within the corporate boundaries of cities including energy and
97 21 maintenance costs associated with interchange conflict
97 22 lighting on existing and future freeway and expressway
97 23 segments constructed to interstate standards.

97 24 ~~b.~~ The costs of serving freeway lighting for each utility
97 25 providing the service shall be determined by the utilities
97 26 division of the department of commerce, and rates for such
97 27 service shall be no higher than necessary to recover these
97 28 costs. Funds received under the provisions of this subsection
97 29 shall be used solely for the operation and maintenance of a
97 30 freeway lighting system.

97 31 Sec. 111. Section 321.20B, subsection 1, Code Supplement
97 32 2007, is amended to read as follows:

97 33 1. ~~a.~~ Notwithstanding chapter 321A, which requires
97 34 certain persons to maintain proof of financial responsibility,

97 35 a person shall not drive a motor vehicle on the highways of
98 1 this state unless financial liability coverage, as defined in
98 2 section 321.1, subsection 24B, is in effect for the motor
98 3 vehicle and unless the driver has in the motor vehicle the
98 4 proof of financial liability coverage card issued for the
98 5 motor vehicle, or if the vehicle is registered in another
98 6 state, other evidence that financial liability coverage is in
98 7 effect for the motor vehicle.

98 8 b. It shall be conclusively presumed that a motor vehicle
98 9 driven upon a parking lot which is available to the public
98 10 without charge or which is available to customers or invitees
98 11 of a business or facility without charge was driven on the
98 12 highways of this state in order to enter the parking lot, and
98 13 this section shall be applicable to such a motor vehicle. As
98 14 used in this section, "parking lot" includes access roads,
98 15 drives, lanes, aisles, entrances, and exits to and from a
98 16 parking lot described in this paragraph.

98 17 c. This subsection does not apply to the operator of a
98 18 motor vehicle owned by or leased to the United States, this
98 19 state or another state, or any political subdivision of this
98 20 state or of another state, or to a motor vehicle which is
98 21 subject to section 325A.6 ~~or 327B.6~~.

98 22 Sec. 112. Section 321A.33, Code 2007, is amended to read
98 23 as follows:
98 24 321A.33 EXCEPTIONS.

98 25 This chapter does not apply to any motor vehicle owned by
98 26 the United States, this state, or any political subdivision of
98 27 this state or to any operator, except for section 321A.4,
98 28 while on official duty operating such motor vehicle. This
98 29 chapter does not apply, except for sections 321A.4 and
98 30 321A.26, to any motor vehicle which is subject to section
98 31 325A.6 ~~or 327B.6~~.

98 32 Sec. 113. Section 421.17A, subsection 1, paragraph h, Code
98 33 Supplement 2007, is amended to read as follows:
98 34 h. "Working days" means Monday through Friday, excluding
98 35 the holidays specified in section 1C.2, ~~subsections~~ subsection
99 1 1 through 9.

99 2 Sec. 114. Section 455G.4, subsections 1 and 3, Code 2007,
99 3 are amended to read as follows:
99 4 1. MEMBERS OF THE BOARD.

99 5 a. The Iowa comprehensive petroleum underground storage
99 6 tank fund board is established consisting of the following
99 7 members:
99 8 ~~a-~~ (1) The director of the department of natural
99 9 resources, or the director's designee.
99 10 ~~b-~~ (2) The treasurer of state, or the treasurer's
99 11 designee.
99 12 ~~c-~~ (3) The commissioner of insurance, or the
99 13 commissioner's designee.
99 14 ~~d-~~ (4) Two public members appointed by the governor and
99 15 confirmed by the senate to staggered four-year terms, except
99 16 that of the first members appointed, one public member shall
99 17 be appointed for a term of two years and one for a term of
99 18 four years. A public member shall have experience, knowledge,
99 19 and expertise of the subject matter embraced within this
99 20 chapter. Two public members shall be appointed with
99 21 experience in either, or both, financial markets or insurance.
99 22 ~~e-~~ (5) Two owners or operators appointed by the governor.
99 23 One of the owners or operators appointed pursuant to this
99 24 ~~paragraph subparagraph~~ shall have been a petroleum systems
99 25 insured through the underground storage tank insurance fund as
99 26 it existed on June 30, 2004, or a successor to the underground
99 27 storage tank insurance fund and shall have been an insured
99 28 through the insurance account of the comprehensive petroleum
99 29 underground storage tank fund on or before October 26, 1990.
99 30 One of the owners or operators appointed pursuant to this
99 31 ~~paragraph subparagraph~~ shall be self-insured.

99 32 ~~f-~~ (6) The director of the legislative services agency,
99 33 or the director's designee. The director under this ~~paragraph~~
99 34 ~~subparagraph~~ shall not participate as a voting member of the
99 35 board.

100 1 b. A public member appointed pursuant to paragraph ~~"d"~~
100 2 "a", subparagraph (4), shall not have a conflict of interest.
100 3 For purposes of this section a "conflict of interest" means an
100 4 affiliation, within the twelve months before the member's
100 5 appointment, with the regulated tank community, or with a
100 6 person or property and casualty insurer offering competitive
100 7 insurance or other means of financial assurance or which
100 8 previously offered environmental hazard insurance for a member
100 9 of the regulated tank community.

100 10 c. The filling of positions reserved for public

100 11 representatives, vacancies, membership terms, payment of
100 12 compensation and expenses, and removal of members are governed
100 13 by chapter 69. Members of the board are entitled to receive
100 14 reimbursement of actual expenses incurred in the discharge of
100 15 their duties within the limits of funds appropriated to the
100 16 board or made available to the fund. Each member of the board
100 17 may also be eligible to receive compensation as provided in
100 18 section 7E.6. The members shall elect a voting chairperson of
100 19 the board from among the members of the board.

100 20 3. RULES AND EMERGENCY RULES.

100 21 a. The board shall adopt rules regarding its practice and
100 22 procedures, develop underwriting standards, establish
100 23 procedures for investigating and settling claims made against
100 24 the fund, and otherwise implement and administer this chapter.

100 25 b. ~~The board may adopt administrative rules under section~~
~~100 26 17A.4, subsection 2, and section 17A.5, subsection 2,~~
~~100 27 paragraph "b", to implement this subsection for one year after~~
~~100 28 May 5, 1989.~~

100 29 c. ~~b.~~ Rules necessary for the implementation and
100 30 collection of the environmental protection charge shall be
100 31 adopted ~~on or before June 1, 1989.~~

100 32 d. ~~c.~~ Rules to facilitate and encourage the use of
100 33 community remediation whenever possible shall be adopted.

100 34 e. ~~d.~~ The board shall adopt rules relating to appeal
100 35 procedures which shall require the administrator to deliver
101 1 notice of appeal to the affected parties within fifteen days
101 2 of receipt of notice, require that the hearing be held within
101 3 one hundred eighty days of the filing of the petition unless
101 4 good cause is shown for the delay, and require that a final
101 5 decision be issued no later than one hundred twenty days
101 6 following the close of the hearing. The time restrictions in
101 7 this paragraph may be waived by mutual agreement of the
101 8 parties.

101 9 Sec. 115. Section 474.1, Code 2007, is amended to read as
101 10 follows:

101 11 474.1 CREATION OF DIVISION AND BOARD == ORGANIZATION.

101 12 1. A utilities division is created within the department
101 13 of commerce. The policymaking body for the division is the
101 14 utilities board which is created within the division. The
101 15 board is composed of three members appointed by the governor
101 16 and subject to confirmation by the senate, not more than two
101 17 of whom shall be from the same political party. Each member
101 18 appointed shall serve for six-year staggered terms beginning
101 19 and ending as provided by section 69.19. Vacancies shall be
101 20 filled for the unexpired portion of the term in the same
101 21 manner as full-term appointments are made.

101 22 2. The utilities board shall organize by appointing an
101 23 executive secretary, who shall take the same oath as the
101 24 members. The board shall set the salary of the executive
101 25 secretary within the limits of the pay plan for exempt
101 26 positions provided for in section 8A.413, subsection 2 3,
101 27 unless otherwise provided by the general assembly. The board
101 28 may employ additional personnel as it finds necessary.
101 29 Subject to confirmation by the senate, the governor shall
101 30 appoint a member as the chairperson of the board. The
101 31 chairperson shall be the administrator of the utilities
101 32 division. The appointment as chairperson shall be for a
101 33 two-year term which begins and ends as provided in section
101 34 69.19.

101 35 3. As used in this chapter and chapters 475A, 476, 476A,
102 1 478, 479, 479A, and 479B, "division" and "utilities division"
102 2 mean the utilities division of the department of commerce.

102 3 DIVISION IV

102 4 EFFECTIVE DATE == RETROACTIVE APPLICABILITY

102 5 Sec. 116. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.
102 6 The section of this Act amending section 490.624, subsection
102 7 2, being deemed of immediate importance, takes effect upon
102 8 enactment and applies retroactively to July 1, 1989.

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JOHN P. KIBBIE
President of the Senate

PATRICK J. MURPHY
Speaker of the House

102 20 I hereby certify that this bill originated in the Senate and
102 21 is known as Senate File 2317, Eighty-second General Assembly.

102 22
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102 24
102 25 MICHAEL E. MARSHALL
102 26 Secretary of the Senate
102 27 Approved _____, 2008
102 28
102 29
102 30
102 31 CHESTER J. CULVER
102 32 Governor